TO EXAMINE THE ENFORCEMENT AND MONITORING OF THE 55-MILE-PER-HOUR SPEED LIMIT

(99-25)

HEARING

BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION

OF THE

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION HOUSE OF REPRESENTATIVES

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TO EXAMINE THE ENFORCEMENT AND MONITORING OF THE 55-MILE-PER-HOUR SPEED LIMIT

TUESDAY, JULY 23, 1985

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
SUBCOMMITTEE ON SURFACE TRANSPORTATION,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 2167, Rayburn House Office Building, Hon. Glenn M. Anderson (chairman of the subcommittee) presiding.

Mr. ANDERSON. The meeting of the subcommittee will come to order.

The subcommittee is meeting today to examine the enforcement and monitoring of the 55-mile-per-hour speed limit. As many of you here may know, the 55-mile-per-hour national speed limit took effect in 1974, and was originally enacted during the Arab oil embargo with the primary aim of helping to conserve fuel.

While the Nation still benefits from fuel savings which amounts to about 167,000 barrels of oil every day, that benefit is not so significant as the thousands of lives saved and crippling injuries prevented by that limit. Yet there is a paradox: While the vast majority of Americans are willing to articulate their support for the limit, their driving habits seem to indicate an unwillingness to live by what they view as a good law. It is sound public policy, as many seem to believe, and the driver in the next car ought to abide by it.

So that this subcommittee and the Congress might learn more about the limit, a provision was included in the Surface Transportation Assistance Act of 1982 directing the National Academy of Sciences to examine the worthiness and the efficacy of the national speed limit. According to the academy and its Transportation Research Board, the limit reduces speed, saves lives, and is effective. The TRB concluded that "because of the substantial benefits to safety, the preponderant view of the committee is that the 55-mile-per-hour speed limit should be retained on almost all of the Nation's highways."

That, however, is not the issue that we are considering today. We are, rather, examining issues related to another of the TRB's recommendations. They said:

> To reflect both safety priorities and traditional organizational practices, the committee recommends that the Federal Government measure State compliance with the speed limit through a point system that attaches more significance to high-speed violations than violations just above the speed limit.

I have to say that it would appear to make little sense to measure a State's compliance with the law by weighing the percentage of violators traveling 57 miles per hour the same as those going 67 or even 77 miles per hour, as we do today. Those traveling at the higher speeds are posing a greater hazard to themselves and the motorists around them. Given that the enforcement resources available to States are limited, it is reasonable to examine how the Federal Government might encourage the States to target these resources where they will produce the greatest good.

It is clear to me that those placing themselves and others at the greatest jeopardy by traveling at the highest rates of speed should find themselves running the greatest risk of punishment. Similarly, the TRB report suggests that the principle might be extended to various road systems, so that a State would be encouraged to focus its enforcement efforts on the most hazardous 55-mile-per-hour routes. I will insert into the record at this point some data regarding the proposed monitoring system.

[Information received follows:]

Proposed Monitoring System

Weights are applied for speeding as follows:

Percentage of Motorists traveling:	Weight by
55 to 59 mph	1 point
60 to 64 mph	5 points
65 mph or more	10 points

In order to account for the greater importance of speeding violations on non-Interstate highways the following weights have been assigned:

Percentage of Motorists:	Interstates and Freeways	Non-Interstates
55 to 59 mph	1	4
60 to 64 mph	5	20
65 mph or more	10	40

The increased weights for arterials and rural collectors (Non-Interstates) are based on the higher fatality rates of these systems.

By applying these weights to the percent exceeding in each class of highway, a total is obtained for each class of highway. These totals must then be multiplied by the proportion of travel in each class in order to account for their share of total violations.

The percent of travel at speeds between 55-59 is determined by subtracting the percent exceeding 60 from the percent exceeding 55; the percent of travel at speeds between 65 and 60 is likewise determined by subtracting the percent exceeding 65 from the percent exceeding 60. Each of the percentages is multiplied by the appropriate weight (1, 5 or 10 if from freeway data or 4, 20 or 40 if from noninterstate data), the total of which is then multiplied by the proportion of statewide travel on 55 mph posted roads. An Example Calculation for Alaska is attached.

The states generally furnish the Department of Transportation with the relevant data, such as vehicle miles traveled, percentages of roadway types, etc. The Department will use this information to ascertain the total points each state will receive. Attached is a data sheet showing the score for each class of highway for 1984 by state.

An appropriate number, over which a state would be out of compliance, might be 550, which would require some effort by states to keep speeds down, particularly on noninterstate roads but would take into account factors such as public expectation of tolerance levels, enforcement capabilities and risk.

EXAMPLE CALCULATION FOR ALASKA (1984 Speed Data)

(note: speeds not monitored on Interstates or freeways in Alaska)

	Urban Arterials			Rural Arterials			Rural Collectors		
Percent exceeding 55	47.4			53.8			21.8		
" " 60	18.0			22.5			9.5		
" " 65	2.7			4.4			3.3		
		Weight			Weight			Weight	
Percent 55-59	29.4	x 4	= 117.6	31.3	x 4	= 125.2	12.3	x 4	= 49.2
" " 60-65	15.3	x 20	= 306.0	18.1	x 20	= 362.0	6.2	x 20	= 124.0
65+	2.7	x 40	= 108.0	4.4	x 40	= 176.0	3.3	x 40	= 132.0
		TOTAL	531.6			663.2			31.7
Proportion of statewide travel on highways posted at 55 mph			x .135			x .760			x .104
		POINTS	71.7			504			31.7

TOTAL points= 607.5

Mr. ANDERSON. We have today, I feel, an outstanding group of witnesses. Before we begin, I would like to call on our distinguished chairman, the gentleman from New Jersey, Mr. Howard.

The CHAIRMAN. Thank you very much, Mr. Chairman.

Mr. Chairman and members of the committee, the 55-mile-per-hour national maximum speed limit has been responsible for the saving over the years of tens of thousands of lives, elimination of hundreds of thousands of serious and paralyzing injuries, and is supported by a great majority of the public, and therefore is not the subject of this hearing. However, we are aware that current monitoring requirements may not be as effective as possible in terms of safety, since they treat all speeds above 55 exactly the same.

The purpose of this hearing, as Chairman Anderson has stated, is to consider a recommendation of the National Academy of Sciences to modify the current speed limit monitoring plan to reflect the expectation of tolerance levels by the public, enforcement capabilities, and safety risk. We are also interested in knowing the limitations of States and the enforcement community in efforts to maintain adequate levels of enforcement in the face of rising speeds. The plan that the committee is currently reviewing is designed to encourage enforcement of the highest, more dangerous speeds, and the non-interstate highways where the risk of fatality is the greatest.

The public expects a tolerance level by enforcement at any speed limit, which the current system does not reflect. There is also a greater need on non-interstate roadways than on the well-designed, multilane, limited-access divided highways, and any modified monitoring system should be designed to reflect this.

On the other hand, there is the risk that removing enforcement personnel from the interstate may result in increased speeds on the interstate, thus increasing the difficulty of enforcement officials to keep speeds at a lower, safer level on more dangerous roads because of the spillover effect. Motorists may not slow down on arterials and collectors after driving at high speeds on the Interstates.

We hope that this hearing will produce testimony to assist in enlightening members of this committee on the merit of the proposed monitoring plan, limitations of enforcement personnel, and other factors that may be beyond the control of the enforcement community to keep speeds at an average that will continue to maintain the benefits of the speed limit. I wish to congratulate the subcommittee chairman and members of the subcommittee for conducting these hearings. I think that we will be able to get a more sensible enforcement and monitoring program as a result of these hearings. Thank you, Mr. Chairman.

Mr. ANDERSON. The gentleman from Wisconsin, Mr. Petri?

Mr. PETRI. Thank you, Mr. Chairman.

I am looking forward to hearing the testimony at this hearing. In particular, while a 55-mile-per-hour speed limit has wide public support and has the advantages of uniformity, the fact is that ours is a very large and diverse country. Fifty-five may make sense in heavily traveled corridors in our country, but when people go out to the vast reaches of the West and are driving across Nebraska,

Montana, and Colorado, Wyoming, and Nevada, on these sort of areas, it is very difficult if not impossible for truck drivers to come out if they have to drive at 55 and travel those distances, and for other people in those regions. Therefore, I hope that we do come up with something that promotes safety but is at the same time fair and does not sacrifice fairness for uniformity. Thank you.

Mr. ANDERSON. Are there any further opening remarks before we hear our first witness?

Mr. DELAY. Mr. Chairman, thank you.

I just very briefly want to establish that I have not yet been convinced that the 55-mile-per-hour speed limit has saved all the lives that have been quoted. I have been dealing with this, not only as a State legislator but now that I am a Congressman, have looked at many of the studies, and I am not convinced that the studies are all that well done, mainly because a lot of the studies seem to be done by Nation rather than by region. I concur with my colleague that there are many questions that need to be raised and answered.

If the public is all that much in favor of the 55-mile-per-hour speed limit, then it seems to me that the booming radar detector business and the CB craze and everything else to circumvent getting caught driving over 55 points out that the public does not support it. Although, coming from Texas, I have seen it because I drive these vast roads to nowhere, it seems, and it also seems to me that even though we lowered the speed limit from 70 to 55, people have slowed down from 85 to 70, and that might have something to do with some of the safety and the savings of lives that are being quoted. Therefore, my mind remains open and I am looking forward to the testimony offered today to try to convince me that all these studies are true. Thank you, Mr. Chairman.

The CHAIRMAN. Would the gentleman yield?

Mr. DELAY. Yes; I would be glad to yield.

The CHAIRMAN. Thank you. I thank you for your statement. It is true, as you said, that the average speed is certainly not 55. I think the average on the interstate went from a nationwide—pre-55—of 67 down to 62. Of course, the savings have been because of that reduction, I presume that everyone would agree that if the speed limit were to be raised that whole average then would go back up that amount.

Mr. DELAY. I see.

The CHAIRMAN. In other words, if the average speed is 62, when the speed limit is 55 miles per hour, then raising the speed limit to 62 would raise average speed much higher.

Mr. DELAY. I agree with the gentleman, very much so, and appreciate his comments.

The CHAIRMAN. Thank you.

Mr. DELAY. Thank you, Mr. Chairman.

Mr. ANDERSON. Our first witness today is Mr. Philip Haseltine, the Deputy Assistant Secretary for Policy and International Affairs, U.S. Department of Transportation. Mr. Haseltine, we have your prepared statement. It will be made a matter of the record. You may proceed.

TESTIMONY OF PHILIP HASELTINE, DEPUTY ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, U.S. DEPARTMENT OF TRANSPORTATION

Mr. HASELTINE. Thank you very much, Mr. Chairman. Chairman Howard, members of the subcommittee. I appreciate the opportunity to testify today on the current status of the national 55-mile-per-hour speed limit program and on the recommendations of the National Academy of Sciences to modify that program.

I want to commend the subcommittee for holding this hearing and for its effort to respond to current developments in the speed limit program. While we may have some reservations about some aspects of the draft proposal that has been worked on, we support the philosophy it embodies of treating those traveling at high rates of speed on our most dangerous highways more severely than those driving marginally above 55 on our safest roadway systems. We look forward to and welcome the opportunity to assist the subcommittee in its deliberations.

We are now in the 12th year of the national 55-mile-per-hour speed limit. The Department agrees with the essential finding of the National Academy study, that the 55-mile-per-hour speed limit has saved thousands of lives in each of these years. The study highlighted the reasons for its effectiveness: lower speeds allow more time for drivers to react, particularly on roads with limited sight distances or sight lines; they shorten the braking distances; and they reduce impact speeds. Because the crash severity increases with the square of the speed, a reduction of only a few miles per hour can dramatically decrease the risk to vehicle occupants. For all these reasons, the 55-mile-per-hour limit is continuing to save lives and reduce injuries today.

Yet we must acknowledge that a long-term trend toward increased speeds is gradually reducing the effectiveness of the 55-mile-per-hour limit. The oil embargo which prompted the national law has faded from memory. Without the waiting lines at gasoline pumps to serve as daily reminders to observe the speed limit, motorists have gradually drifted back toward higher speeds. As speeds have increased, the States have encountered more difficulty in satisfying the requirement that at least 50 percent of motorists must be traveling at 55 miles per hour or below.

This year we have sent notices to three States—Vermont, Maryland, and Arizona—informing them of an initial determination that they have too high a percentage of motorists exceeding 55 miles per hour. They have been offered an opportunity for a further hearing before we reach a final decision on the matter, and they have formally requested that those hearings be held. If the States are found to be out of compliance with the law, the Department is authorized to withhold up to 10 percent of a State's interstate Federal-aid highway construction funds. This is a step the law requires us to consider and we will, Mr. Chairman, keep the subcommittee informed of our deliberations concerning these three States.

Preliminary data indicate that it is likely that additional States will fail to meet the statutory compliance criterion next year, so we believe this is a good time to examine the methods by which State

compliance with the speed limit should be measured. In its report, the National Academy recommended that the Department consider a method other than the present method of calculating the percentage of motorists exceeding 55 miles per hour. It was the National Academy's view that such a calculation gives a 1-mile-per-hour violation as much weight as a 25-mile-per-hour violation, thereby discouraging enforcement officials from concentrating on the more serious violations.

The NAS report recommended that compliance be measured through "a point system that attaches more significance to high-speed violations than to violations just above the speed limit." It also noted that such a point system could be extended to "reflect the different safety risks on the various road systems," and we agree with those recommendations.

We agree that the present compliance system does not discriminate between violations according to the risk they present to safety. It may be possible to assign a point value to a violation according to the number of miles per hour by which the violator exceeds 55 miles per hour and according to the type of road on which the violation occurs. Thus, a marginal violation on an interstate could produce a very low point value, whereas a 25-mile-per-hour violation on a rural two-lane highway could produce a very high value. We believe this corresponds very well to the relative danger inherent in the two violations.

Using a point system of this kind could help ensure that differences between States would reflect actual differences in the safety of travel. If such a system could be developed, it could create a more equitable framework for enforcement of the law. It could also permit the States to better allocate their enforcement resources in accordance with the safety need, giving them a flexibility that they have long desired. It could thus promote better safety programs.

While we favor a system that is more equitable and more likely to promote safety, we do not believe that such a system should necessarily increase or decrease the number of States in potential noncompliance. The number of States affected would depend on the total points a State would be allowed to accumulate without being in noncompliance. We believe that drawing the line between compliance and noncompliance may be the most difficult aspect of any such point system.

We believe that the point system described in this draft proposal needs a little additional fine tuning. We would be opposed to setting a maximum permissible point level which abruptly threatened a large number of States with noncompliance under the modified system. Among our concerns with the proposal is that it presents such a radical departure from the current monitoring system that States may be uncertain as to how to deploy their enforcement resources. Perhaps, Mr. Chairman, leadtime is a partial solution to that problem.

If the point system of the draft proposal were in effect today, there would be 11 States out of compliance for fiscal year 1984 instead of the three States the Department has tentatively judged to be out of compliance under the current system. Of these three States, two would have had satisfactory performance levels under the draft system. At the other extreme, we noted that the State of

Alaska would have been out of compliance under the draft system, even though it had better than 50 percent compliance in fiscal year 1984 without adjustments under the current system and had the fifth lowest 85th percentile speed of all States.

Thus, Mr. Chairman, we would like to continue to work with the subcommittee staff to help ensure that the proposal you finally consider meets our mutual objectives. Unmodified, we believe the proposal would be viewed as a change of rules to carry out a strict Federal crackdown on the States. State reporting for the first two quarters of fiscal 1985 suggests that a dozen or more States may be out of compliance under the current system. We could easily envision, with a system that is not carefully crafted, more than half of the States being out of compliance. The Department of Transportation is anxious to continue working with the subcommittee to improve the monitoring system, but we are convinced that we need to continue to examine various weighting systems before we can arrive at the most equitable, mutually agreeable solution.

Finally, Mr. Chairman, the subcommittee should be aware that we are continuing to review other policy options suggested by the National Academy of Sciences' report. Those potential options range from keeping the 55-mile-per-hour speed limit intact on all roads—an option reflecting the considerable support in public opinion polls for 55, as described in the report and as reiterated by Chairman Howard—to allowing a higher speed limit on certain highways, based on the characteristics of those highways, such as rural portions of the interstate system, also mentioned in the report.

Other options could include allowing higher speed limits on certain roads in States that take other safety measures, such as enactment of safety belt usage laws, to offset any potential effect of higher speeds. Such changes would require action by Congress to amend the speed limit law. We are continuing to examine the advantages and disadvantages of these other options as we consider our response to the National Academy of Sciences report.

We have, I reiterate, not arrived at any conclusions. When we do, after examining all the options, including any additional administrative or legislative changes that may be advisable, we certainly would so advise the Congress and continue to work closely with this committee and subcommittee and other committees to implement them.

Mr. Chairman, again it is a pleasure to be here. We welcome the opportunity to continue to work cooperatively with you. This concludes my prepared testimony. We would be pleased to respond to any questions you may have.

Mr. ANDERSON. Thank you very much, Mr. Haseltine, for your testimony.

I have to admit that I find your statement somewhat curious. In the beginning of your testimony you seem to applaud the methodology recommended by TRB, in that it would discriminate between violations according to the risk they present to safety, and yet as you advance the remainder of your testimony you seem to be saying that the TRB-inspired working paper being considered here today is inequitable and unworkable. Frankly, I am puzzled by this

seeming contradiction. Could you elaborate and maybe clear it up for me a bit?

Mr. HASELTINE. Philosophically, Mr. Chairman, we agree wholeheartedly with the concepts embodied in that TRB-inspired working paper. As I indicated in my testimony, I think the most difficult part of any modified monitoring system may be in arriving at a cutoff level, the number of points a State could accumulate without being in non-compliance. We think that, were we to have a system that produced such a radical departure from the current one in terms of the number of States in compliance and noncompliance on an immediate basis—that basically said, "All that we have been doing in terms of the monitoring system that has now been in place for several years was irrelevant and was incorrect, and we're going to try something wholly new"—we believe that the Congress and the administration alike would be accused of changing courses rather abruptly in midstream, and we would be questioned by those States that have been out of compliance in the past.

Again, I think what we are talking about, Mr. Chairman, is a matter of some fine tuning. Let me add, also, that as much as the Department, including our staffs in Federal Highway Administration and the National Highway Traffic Safety Administration would like to work cooperatively with your subcommittee staff, with staff at the National Academy of Sciences, I am not sure that in the final analysis we are ever going to come up with a utopian system that is going to be able to measure, with 100 percent accuracy measure the speed of 100 percent of the vehicles and still be 100 percent equitable. We are going to have to make some value judgments.

I think perhaps this proposal is very close but, again, we would appreciate the opportunity to work with you a little bit further, perhaps making some adjustments in the numbers but not in the philosophy, before we come up with the final approach. I think that can be done readily and cooperatively in the very near future.

Mr. ANDERSON. Is the proposed weighting given to the various violations of the speed limit creating the problem, or is it simply the suggestion that the line might be drawn at a point that would sanction a few States, that makes the proposal inequitable and unworkable as you characterized it? Is that the difference?

Mr. HASELTINE. Mr. Chairman, we recognize that any change in the monitoring system is likely to result in a different number of States which would be in or out of compliance then under the current system and some differences in the particular State involved. We recognize and accept that fact. Our only concern is with the departure from the current monitoring system which, while not perfect, we frankly don't apologize for. It follows the existing statutory requirements fairly closely and we think, on the whole, it has worked fairly well. It has been put in place through an open regulatory process and until the last year or so, quite frankly, we have not received a lot of complaints about it.

A departure from the current system to a new system would need to take into account the philosophical recommendations embodied in the National Academy report that those speeding at the highest rates be treated more severely than that those just barely exceeding the speed limit, and those speeding on our least safe

roads be treated more severely than those speeding on our safest roads. All of these factors should be taken into consideration as we finalize and hopefully agree upon, and I'm confident that we can, a modification to the formula. I reiterate that we fully recognize that the number of States that would be in or out of compliance under any change in the monitoring system is likely to vary.

Mr. ANDERSON. At the bottom of page 4 and at the top of page 5 of your testimony, you indicate that the State of Alaska would be out of compliance under the proposed system even though it is well within compliance limits under the current system. Now I would be the first to admit that I have not done a lot of driving on Alaska's roads, but isn't Alaska's success under the current compliance system attributable to the fact that their roads are so poor that speeds tend to be held down, rather than to the level of enforcement of the 55-mile-per-hour speed limit? If you can't go over 35, obviously you're not going to be violating the 55-mile-per-hour law. Isn't that the answer to their situation?

Mr. HASELTINE. Mr. Chairman, like yourself, I have not driven in Alaska. Very candidly, I don't feel 100 percent qualified to respond to the question. I would certainly agree with you that my understanding is that the nature of many roads in Alaska precludes high-speed driving. Our suggestion was—and it was an illustration that was presented to us that, as we looked among the 50 States and to those that were having the most difficulty in terms of high speeds, we found that Alaska has never fallen among that group.

Very candidly, Mr. Chairman, we were quite surprised to discover that a formula that philosophically makes a great deal of sense to us would in fact cause that particular State to be out of compliance. We didn't notice that until last weekend, quite frankly, and said:

> Wait a minute. Are we really achieving the objective we all want to achieve if a State with the characteristics that we assume that State has would be out of compliance under the proposed system?

Very candidly, we would like a chance to consider this proposal more carefully.

Mr. ANDERSON. Well, in any event, don't you agree that speeding on Alaska's substandard roads represents a greater safety risk than speeding on modern limited-access divided highways, and that this fact should be taken into account in any compliance system that we devise?

Mr. HASELTINE. Again, I can't speak directly to Alaska's roads, but certainly in the general sense your statement is absolutely correct, that speeding on substandard roads, not built to Interstate standards, with open access, fewer lanes, narrower lanes, and poorer geometrics, certainly creates a greater safety hazard than does speeding on the safest roads that we can devise and have put in place in the Interstate system. There is no question about that. I would not disagree with you for a moment on the general statement, Mr. Chairman.

Mr. ANDERSON. Mr. Haseltine, we have been waiting many months now for the Administration's highway transit bill. Can you tell us when we can expect to receive your proposal, and will it address this issue that we are talking about today?

Mr. HASELTINE. I can't give you a date when we would expect to submit the highway reauthorization bill, if that is the bill of which you speak, Mr. Chairman, except to tell you that it has progressed within the Department substantially within the last few weeks. I can tell you that we do not at this point contemplate anything in that bill dealing with the 55-mile-per-hour national maximum speed limit.

Mr. ANDERSON. I have a number of other questions but, in deference to my colleagues, I will hold them until they have a chance. At this time I will recognize Mr. Shuster.

Mr. SHUSTER. Thank you, Mr. Chairman.

Mr. Haseltine, we certainly appreciate your testimony. I started out in 1973 being against the 55-mile-per-hour speed limit. I was wrong. It is very clear that it is saving lives and that's a good idea.

One of the things that concerns me is, if I understand it correctly, this proposal would create what I believe to be an enormously complex system of calculation for telling a motorist that he is going to be fined or penalized, so complex that I question whether the average motorist would understand or would know what the situation was. If we adopt a point system taking into account both the varying speeds above 55 miles an hour and the characteristics of the roadway, do you think the average motorist would understand that, would know when he pulled onto a highway, would say to himself, "Ah, ha, I am driving on a secondary road or an arterial, and that means that part of the equation, if I speed, is going to be such-and-such." We are just going to confuse the average motorist, aren't we?

Mr. HASELTINE. Mr. Shuster, I would agree with the statement that I would find it unlikely that the vast majority of motorists in the United States would understand such a system. My feeling is that that fact, in and of itself, would not have a great impact on the speeds at which those motorists drive. The speeds at which motorists drive are based primarily on a number of factors, the greatest factor—perhaps in addition to the sign posting—being a law enforcement presence. There are other things that we can and do do, such as the use of media and advertising, which are supplementary to that law enforcement presence, but I think the average motorist is going to gauge the speed that he or she drives based on factors other than this kind of a compliance system.

Law enforcement agencies within States may, in fact, change the way in which they deploy their law enforcement personnel, if we put such a system in place, and have fewer officers on the Interstate system, and more officers on secondary or primary non-Interstate systems. The change in enforcement presence could in fact change the speed at which motorists travel. However, I think the State compliance measurement system itself is far enough removed from the motorists. I don't see that as being a particular problem, sir.

The CHAIRMAN. Would the gentleman yield at this point? I just want to talk on the point he made to the gentleman, not to question.

Mr. SHUSTER. Sure.

The CHAIRMAN. Fine. For the driver who is wondering whether he ought to be driving 60 or 65, the regular State laws have a pen-

alty that is stronger and which has always existed. What we are considering is more a penalty against the State, the State's rating system. It does not really affect the driver unless he is concerned about how much his State may lose in highway money if he goes that fast.

Mr. SHUSTER. Our distinguished chairman makes a good point. I would simply say that we should have the 55-mile-per-hour speed limit, in my view. We should enforce it, and the enforcement should be clear and simple.

Thank you.

Mr. ANDERSON. Mr. Gray.

Mr. GRAY. Thank you, Mr. Chairman.

I would like to join my colleagues in welcoming the Secretary before the committee this morning. I was here 31 years ago when we wrote the interstate highway act, and I recall Mr. Rayburn, the Speaker, saying something to me that I have remembered all these years: that is that in Texas all you can see for miles and miles, are miles and miles. One of the collateral problems that I find in speaking to people is what we call monotony. We come along and take off the billboards and we reduce the speed limit to 55. Has your Department done any studies at all as to what relieving the people of the congestion of billboards on the Interstate system, and rolling along at 55 on a straight road—for example, from my home town in West Frankfort, IL, to Chicago is 320 miles and I don't think there is one bend in that road—have you done any studies recently concerning monotony, people going to sleep, and how many people we are losing in accidents in that relation?

Mr. HASELTINE. My technical staff say no. Let me hasten to add, Mr. Gray, that we have done nothing to suggest, nor would we suggest, that the State of Texas is monotonous.

Mr. GRAY. No; he was referring to the fact that it was open roads, and straight.

Mr. HASELTINE. Yes, sir. I understand.

Mr. GRAY. What we were talking about is the cost per mile of construction is much cheaper than in mountainous areas, but it does bring on a problem where you have a straight road that runs for several hundred miles. I think it is something we need to look into, particularly as it relates to billboards, because in some States in the South—and I can think of Georgia as an example—there is one every 15 or 20 feet. In my State, the State is enforcing it very rigidly. You can't get a billboard up. As Assistant Secretary for Policy, are you looking into the possibility of maybe relaxing or recommending to this committee that we relax the regulations on billboards, at least to the extent they would be regulated with distance and size and that sort of thing?

Mr. HASELTINE. In terms of the billboard regulation, I would prefer to respond to the record on that question, sir, because as Chairman Anderson indicated, we do have a reauthorization bill coming up. Frankly, I don't remember if we address it in that bill or not. We have never considered billboards to be an enhancement to safety. I think intuitively—and, as my technical support staff here have said, we have not done any studies on billboards—that if anything they would serve as a distraction rather than enhancement to safety, but I am not technically prepared to say that either

effect is the case, sir. But in terms of whether we are going to deal with the——

Mr. GRAY. As one member I certainly would disagree with that, because I think as people are riding down a road, particularly the driver, if he sees a billboard that advertises motels and they engage in conversation with the passengers and decide to stop and rest and sleep, you mean to tell me that does not affect safety.

Mr. HASELTINE. I will doublecheck that. I believe that we have not. As to how and if we are going to deal with that subject in the proposed highway authorization bill, let me submit that for the record, Mr. Chairman.

Mr. GRAY. Just briefly, do you have any idea why some States have a lot of billboards and others have none?

Mr. HASELTINE. No; offhand I do not. Let me respond to the record on that, also. No, I do not offhand.

[The following was received from Mr. Haseltine:]

The Department has not recently studied the issue of the interrelationship of driver monotony, billboards, and highway safety. However, in 1980 the Federal Highway Administration [FHWA] conducted a study of the potential highway safety and environmental effects of commercial electronic signs (Report No. FHWA/RD-80/051, "Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable—Message Signage"). As a part of this assessment, the FHWA researchers evaluated the literature on the safety effects of standard billboards. In general, the results of this assessment indicate that highway accidents could be related to the number of billboards in a road section and that amount of information that the driver must process has a direct bearing on vehicle control performance. The study also suggests that in isolated low traffic areas, an occasional billboard might improve the driver's performance, but there is no direct accident or driver performance date to confirm this hypothesis.

The Department is considering legislation to reform the existing highway beautification program, and we may eventually propose changes. Any changes would be under the Subcommittee's jurisdiction.

Some States have fewer billboards than others because they have been more supportive of the Highway Beautification Act. Several States also have statutory or regulatory requirements on billboards which are more restrictive than Federal law. Also, the importance of the tourism industry in an area has a bearing. Six States have completed their sign removal program, and 19 States have accomplished 70 percent of their nonconforming sign removal goals. Because of the high cost of completing all sign removals (estimated to be $1 billion), the program now consists of exercising controls to prevent new signs and remove illegal signs. It is a complex matter to determine whether a sign is conforming, nonconforming, or illegal under the existing law.

Mr. GRAY. Thank you, Mr. Chairman.

Mr. ANDERSON. At this time I will recognize our distinguished chairman, Mr. Howard.

The CHAIRMAN. Thank you very much.

Statistics have shown that the highest death rate occurs year after year in our rural States, not our urban States. The fatality rate on Wyoming's highways has been much greater than in Rhode Island, Connecticut, or New Jersey. It is a matter of having wide-open spaces and not a lot of traffic.

Mr. GRAY. Would the distinguished chairman yield on that point?

The CHAIRMAN. I yield.

Mr. GRAY. I thank you for yielding. I think that points out exactly what I am saying. I think monotony does play a big part in losing lives.

The CHAIRMAN. Speed I think has a lot more to do with it.

The 1984 study, the Fatal Accident Reporting System, showed an increase of fatalities in the Nation, mainly on the 55-mile-per-hour posted roads. Some of the data showed that the only increases are on the 55-mile-per-hour posted roads. There are decreases nearly everywhere else on our system during driving and drinking hours, that has been reduced. Although there has been an increase in safety belt usage, there has also been an increase in fatalities among belted occupants in crashes. Wouldn't you say that all this information would seem to indicate that, where we do have the higher fatalities, that speed is probably a very, very big factor?

Mr. HASELTINE. Mr. Chairman, let me take your two-part question in two parts. The latest preliminary data that we have in the 1984 Fatal Accident Reporting System shows that the increases in 1984 were on roadways scattered throughout the roadway system, those posted at 55 miles per hour and others. Again, let me stress that these are preliminary data. We are still finalizing and receiving the last few late reports from the States, but the latest information I have and I have the data both for fatal accidents and fatalities—is that fatal accidents on roads with speed limits less than 26 miles per hour dropped 3 percent. Those posted 26 to 35 miles per hour increased 3 percent. Those posted 36 to 45 miles per hour increased 8 percent. Those posted 46 to 54 miles per hour decreased 1 percent. Those posted at 55 increased 5 percent, sir; and those in which the speed limit was unknown, apparently not recorded by the police, had a 1 percent increase. Thus, the data show an overall increase in fatal accidents during 1984 of 4 percent, and an overall increase on 55-mile-per-hour posted roads of 5 percent. So you are correct, sir. According to our latest data and, again, this is preliminary, the increase on interstates was slightly larger than on other roads, but it is really an increase that extends throughout the system.

In terms of the second question you raised, sir, dealing with——

The CHAIRMAN. I only had one question. I asked you whether you thought that speed was a very large factor in the increase on 55 posted which, as you state, is higher than the overall increase in fatalities.

Mr. HASELTINE. Without question, Mr. Chairman, I think that speeds were a factor.

The CHAIRMAN. Thank you, Mr. Chairman.

Mr. ANDERSON. Mr. Packard.

Mr. PACKARD. Thank you, Mr. Chairman. I also sit on the Science and Technology Committee, on the Subcommittee on Transportation, Aviation, and Materials, where we held a hearing last February. There was a statement made by Mr. Baxter that roads posted at 30 miles an hour have a fatality rate of almost 13 per 100 million miles traveled; 30 to 35, 10.5 per 100 million miles traveled; 40 to 50 miles an hour, 6.5; and 55 and over, 3.7, which would, in some ways and in some minds, would challenge the assumption that speed kills. Would you comment on that?

Mr. HASELTINE. In some ways it may, Mr. Packard. Certainly the Interstate system component of those roads which are posted at 55 miles per hour are, without question, our best-engineered highways. The potential for conflicts on lower speed roadways with large numbers of driveways, intersecting streets, buildings, lower

sight distances, all of the geometrics and things that go into the traffic stream, does create more hazards. There is no question that the Interstate system has the lowest fatality rate of all of our roads; 55-mile-per-hour roads that are non-interstate quality have a fatality rate significantly higher than the Interstate System, and the local roads in many cases, as you suggest, do in fact have higher rates yet.

Mr. PACKARD. What speeds are our Interstate Systems designed for?

Mr. HASELTINE. They are designed for a minimum of 65 miles per hour, on rural segments, and that is minimum. Obviously it varies due to the terrain.

The CHAIRMAN. If the gentleman would yield, do we have any studies as to what speeds our drivers are designed for?

Mr. PACKARD. Our drivers? I missed your question, Mr. Chairman.

The CHAIRMAN. We're talking about the design the road is, I am wondering what speeds our drivers are designed for. In other words, how good are they?

Mr. PACKARD. I'm sure that varies. I was intrigued by the monotony question by the gentleman from Illinois, who is not here now, and how that relates to signs. I think it would be extremely inappropriate for this committee to take on signs. That is a very controversial issue, and one that should to be left to local jurisdictions, in determining their sign ordinances and their sign positions, and I am not sure that we ought to look to signs as a means to try to keep people awake.

According to the latest information available to the Department, Mr. Haseltine, to what extent have average speeds been creeping up since the beginning or the very early days of the 55-mile-per-hour speed limit?

Mr. HASELTINE. Looking at average speeds on 55-mile-per-hour roads just for the last 2 years, in fiscal year 1983 reporting the average speed was 55.7 miles per hour. In fiscal year 1984 the average speed was 55.9 miles per hour, so in that 1-year period we saw an increase of approximately 0.2 miles per hour, a 0.2-mile-per-hour change over that period of time. I would have to go back prior to fiscal year 1983 to check the numbers, but I think I can say with some degree of certainty that the increase in prior years was not that great.

In fiscal year 1982 the average speed was 55.3 miles per hour, so I stand corrected. It was about a 0.4-mile-per-hour difference.

Mr. PACKARD. So they have been creeping up. What have we seen or what does the record show about changes in the fatality rate under that creeping speed increase?

Mr. HASELTINE. Fatalities declined in 1981, 1982, and 1983. In 1984 we saw a slight increase in the total number of fatalities, about 4 percent higher in 1984 than in 1983.

Mr. PACKARD. Have you been able to determine any relationship of that creeping up in speeds to the increase or decrease in fatalities from one year to another?

Mr. HASELTINE. As I indicated to the chairman earlier, we have not yet finalized analyzing the fiscal year 1984 data for our fatal accident reporting system. That report will be out within a few

weeks. I think we can say with some degree of confidence that some of the increase in fatalities is attributable to increased speeds. However, travel has gone up 2 or 3 percent as well. While we don't have the final figures for vehicle miles traveled, it appears at this point from our preliminary data that the mileage/death rate in fact has not gone up. The fatality rate has not gone up.

Mr. PACKARD. You have indicated that three States had been sent statements of noncompliance, implying that there would be sanctions if they don't do something, and other States are being considered. Have those States shown any difference in the fatality rate compared to other States that are in full compliance, or certainly far in excess of the compliance regulation? Have you seen a difference in the fatality rate in those States?

Mr. HASELTINE. Again, our final data are not in, although we have taken some individual looks at those States. If I might clarify the gentleman's question or statement, three States for fiscal year 1984 have tentatively been judged to be out of compliance. We do not envision any additional States in that category for that reporting period. Reports for the first two quarters of fiscal year 1985 suggest that we may have more States out of compliance this year, but for fiscal year 1984 those are the only ones.

We have looked at the changes in fatalities in those three States separately, despite the fact that our final data are not in for all 50 States for 1984, and we find differences even among the three. In those three States, there is no single range of posted speeds in which the fatality increases appear to take place, sir. They are distributed across the roadway types.

Mr. PACKARD. Last year I had occasion to drive to Florida, and my colleagues representing different States between here and Florida were very kind to provide me with the maximum speed that I could travel through their States before I would be cited. Interestingly enough, I found that to be rather accurate. It would vary from one State to another. Georgia was, I remember, 66—if you went beyond 66 you would be pulled over; in South Carolina, 65; and so forth.

If motorists are vigorously monitored and cited for speeds exceeding, say, an arbitrary figure of 65, does it matter what the speed limit is, whether it be 55 or 65, in terms of the speed that the average motorist would travel? Would the majority of the motorists travel at the speed that is generally accepted to be the maximum speed that they can move on the Interstates without being cited, or without being considered driving at an excess? Therefore, does the speed limit really have that much influence over the speeds to which people will drive? Does not the generally accepted enforcement level have as much to do with it? Would you comment on that?

Mr. HASELTINE. I would agree with the gentleman that the generally accepted enforcement level has a significant amount to do with the speed at which many motorists drive. I would add that, in my experience in working with a great number of law enforcement agencies, the generally accepted level of which you speak is a function of the posted speed. So I believe the speed at which motorists drive in many cases is, as you suggest, sir, related to the perceived

speed that they can drive without being ticketed. But that perceived speed—the speed at which law enforcement agencies make judgments, or individual law enforcement officers make judgments to take enforcement action—those levels are generally a function of the posted speed limit and, as you noted, they may vary from jurisdiction to jurisdiction.

Mr. PACKARD. Does the Department intend to submit a proposal that would change the 55-mile-speed-limit within the next year?

Mr. HASELTINE. At this point we have not made any decision, even on a preliminary basis, to submit any proposal that would modify the 55-mile-per-hour national maximum speed limit. We are still looking at the options that are in the National Academy study. We are, quite frankly, looking at them in the light of—as we get more data—the finer breakdowns of what happened in 1984, to try and assess what the impact of any such changes might be. Very clearly, we would not lean toward any modification of the speed limit that our analysis suggested would have any substantial adverse impact on fatalities.

Mr. PACKARD. Thank you, Mr. Chairman.

Mr. ANDERSON. Mr. Valentine.

Mr. VALENTINE. Mr. Chairman, I want to express my appreciation to you and others for arranging this session. I travel, drive myself about 8 hours almost every week, and that is on Interstate 95, because it takes me about 4 hours to get to my district in North Carolina.

I must say that I believe, Mr. Chairman, that one of the problems is the way that we view this particular type of statute law. We "good people," whatever that means, law-abiding folks, will understand that we need to live within the law almost everywhere else except in the question of how we drive our automobiles.

I wanted to suggest to the Department that you might go—and I am serious about this—to a county or counties immediately south of the Richmond-Petersburg Turnpike and find out what they do in local law enforcement, because there are a lot of local police cars out and the traffic on Interstate 95 slows down noticeably when passing through that part of Virginia. I wanted to recommend whatever they do there to you because I think it is without any question, when one sees a patrol car or a police car on the highway, that it causes you to slow down. Nobody wants to get caught.

That leads me to one of my questions. Does the Department have any thoughts or any policy or any ideas on this business of the advertising and sale of so-called radar detecting devices? I have seen them advertised in national magazines, and the purpose of those devices is for the motorist to be able to find out where the radar equipment is set up. I don't see any other need for the equipment except to be sure that you can slow down when you are close to the radar and run like hell when you're away from it.

I wrote a letter to the president of an airline—I won't mention the airline because I'm not sure if I have it correct. Advertisements for that type of merchandise appeared in the magazine that you see, and he didn't think much of it. I mean, he didn't pay much attention to that letter, but I wonder if we ought to tolerate the advertisement of mechanical devices, the only purpose of which is

to help people disobey the law? There is a question in there somewhere. [Laughter.]

Mr. HASELTINE. Thank you, Mr. Valentine. Our departmental policy is to discourage the use of radar detectors, which we find little legitimate value for, and to encourage States to enact laws that prohibit them. My understanding is that three jurisdictions—Connecticut, Virginia, and the District of Columbia—recently enacted legislation to outlaw their use, and they may be outlawed in a number of other States, as well. We certainly do not support the use of radar detectors. We fail to find any great meaningful purpose or legitimate purpose for them, and I would agree with the gentleman in terms of their value to society.

Mr. VALENTINE. Some time ago, and perhaps correctly so, the Congress decided that young people were drinking and driving, and they raised the age for drinking from 18 to 21. I wish we could agree in this country on one age for getting grown, one age for getting shot at in the service, and one age for drinking a light beer and so on. But aside from that, I wonder if—you know, we allow without any question the complete, unrestricted, and unbridled advertising of alcoholic beverages on television, around athletic contests and so on. They come into our homes and influence our children, and if advertising does what they say it does, it causes some young folks to drink beer—teaches them, I think. That's another story. Then we look up one day and we say, "Oh, my goodness, the children are drinking."

I wonder if your Department has anything to say about that, if you have any thoughts about whether or not it would be better for highway safety in this country if there were at least some types of restrictions on the advertisement of alcoholic beverages on television?

Mr. HASELTINE. We have not taken any position with regard to the use of television advertising for beverage alcohol. We are certainly aware of and are following the controversy closely, with the beverage alcohol industries on the one hand saying all they are doing is fighting for a share of the market, and a lot of other folks suggesting that they are fighting for a lot more than a share of the market, they are trying to increase the size of the market.

What we do know, and we are beginning to learn, is that if we are going to be successful in formulating young people's attitudes about beverage alcohol use, we can't start at or around the age when they become legally able to drink it, whether it is 18, 19, 20, or 21. We can't start in high school; we can't start in junior high school; but rather we've got to talk about responsible use or nonuse of beverage alcohol in the elementary levels of our schools. Frankly, we are just getting around to that level. Many of our efforts in the past have unfortunately been directed at youth after their attitudes toward use of beverage alcohol and other attitudes are well-formulated—too late and after the fact.

Mr. VALENTINE. Thank you, sir.

Thank you, Mr. Chairman.

Mr. ANDERSON. Mr. Lightfoot.

Mr. LIGHTFOOT. Thank you, Mr. Chairman.

Mr. Haseltine, we have talked to some degree this morning about the world of statistics and numbers and so on. Sometimes when we

apply that to the real world, it seems that we come up with a different impression. About three or four weekends ago I was down in the Williamsburg area, driving back into the District, and I attempted to make that trip at 55. I have never been so intimidated in my life—cussed, honked at, even to the point I had one truck come up and put his bumper on my back bumper and try to push.

I live 1,253 miles west of here, and I made that trip and tried to drive that at 55, just to see what would happen. I was starting to keep count of the cars that passed and the numbers got so huge that I just quit counting. I think in the 1,253 miles I passed one pickup with a flat tire, so I guess the point is that what the statistics say and what really may be happening on the highways are possibly two different things.

But if we go to this point system, and what has been proposed is talking about roughly a four times divergence in points between noninterstates and the Interstate System, what is the logic behind that large of a divergence?

Mr. HASELTINE. Well, again, sir, we would like to continue to work with subcommittee staff to try and make the best judgment, whether it should be three times, four times, three and a half times, four and a half times, five times the difference. Philosophically we are totally comfortable with the notion that we ought to charge people or treat them more severely, in terms of the overall State enforcement effort, on those less safe roads than on our safest roads.

I think the only question that remains, sir, is what the exact best numerical figures are. Let me hasten to add that the best statisticians in the world aren't going to come up with a single answer. I think the answer to this one is going to lie in our collective best technical resources, combined with our collective best political judgments, and I say political in the best sense of the word.

Mr. LIGHTFOOT. I wasn't clear enough on my question. I'm not arguing the numbers, what you come up with, but the rationale behind it. Is it for engineering reasons, for safety reasons, or is it just a way to legislate enforcement?

Mr. HASELTINE. Very clearly for safety reasons. If you look at the fatality rate on interstate-type highways—this figure is several years old—a rate of approximately 1.17 fatalities per 100 million miles. On other 55-mile-per-hour roads, primarily arterials and collectors, the fatality rate is 4.56. So there is a magnitude of four in the difference of the fatality rate between one type of highway posted at 55 miles per hour and the other obviously less safe—based on our fatality experience—roads that are posted at 55 miles per hour. That's where this draft proposal came up with that differential of four. It is based on the difference in the fatality rates. Intuitively, sir, that makes some sense.

Mr. LIGHTFOOT. I guess where I'm coming from, as far as the efficiency of using law enforcement officers to enforce the 55-mile-per-hour speed limit, I live in a State where they enforce it pretty rigidly. In order to do that, it takes manpower, it takes the radar, and it takes the patrolman in the airplane which is being used more and more—this type of thing. Where you have large volumes of traffic, such as you have on the Interstate System, it seems to me that it makes more sense that we have the patrolmen in the area

where they can actually control larger volumes of traffic, more numbers of vehicles in a given period of time, than if we start diluting that force and pulling those people off and putting them out on some of these secondary roads, where a guy sits at the corner of Podunk Avenue and Nowhere Street. Granted, it may be more of a safety hazard in that particular area but the volume of traffic is considerably less, so in terms of what the taxpayer is getting for what that patrolman is doing, he is doing a much more efficient job being out on the Interstate than he is devoting all of his time to the secondary system. It looks like this grade system that we're putting together is going to encourage the abandonment of the enforcement on the interstates and put it back on the secondary and the arterial roads.

Mr. HASELTINE. I think, sir, it could very clearly result in less enforcement on interstates, but I would not think at all that it would result in abandonment of enforcement on interstates. Also, there are many secondary roads in this country which are far less safe than our interstate system, which do in fact have substantial traffic volumes.

There is a certain degree of validity to what you say, however. In my experience before coming to the Federal Government, running the Highway Safety Program in Michigan, we always had the most difficulty in trying to deploy enforcement personnel on the secondary road systems because these systems were so large. Yet, at the same time, they accounted, for such a large proportion of the fatalities. That is a manpower staffing and deployment issue, a problem that faces, I think, every law enforcement administrator in this Nation who has responsibility for rural enforcement. But certainly there are secondary roads that have sufficiently high traffic volumes that a law enforcement presence will in fact have a noticeable impact.

Mr. LIGHTFOOT. Yes, I agree with you that the primary purpose of our State troopers being out there is the safety of the motoring public. That's what they are there for in the first place, and most of them are very dedicated to that. I don't have any problem with shifting the enforcement off to the noninterstates, but I see maybe a catch-22 in this thing, what Mr. Valentine mentioned a moment ago. There are areas that you travel through that you automatically get off the pedal because you know there are folks there. My State happens to be one of them.

Once that word travels very quickly, particularly amongst the professional drivers with the big diesel rigs, you know that is a pretty good indication of what the enforcement level is in any State, is to watch what the truckers are doing. I could see where the formula might come back and hit you through the back door, the wrong direction. I guess my only comment is that if we want to shift it, that's fine, but we need to be very logical in the way we do it and make sure that the penalties don't extract something we are not counting on.

Mr. HASELTINE. Yes, sir. I agree with that. Let me just quickly add that, in many States, on many of the local, secondary roads the enforcement responsibilities or primary enforcement responsibilities lie with different agencies than they do on the interstates. That's not the case in all of them, but in many States the State

police or State highway patrol handles Interstates and other major State roads, while county sheriffs and other local law enforcement officials, handle the others. Again, I would be the first to agree that deployment of law enforcement personnel is a tough issue, and I am not aware of any jurisdiction that ever feels it has quite enough officers to go around.

Mr. LIGHTFOOT. OK. Thank you, sir.

Thank you, Mr. Chairman.

Mr. ANDERSON. Mr. Sunia.

Mr. SUNIA. Mr. Chairman, all I know is that if you drive over 55 means you break the law, we've got a lot of lawbreakers out there. I had to move out to Springfield for about a month now. I can guarantee you that when you are on that expressway coming in to here, I don't find anybody driving below 60 every morning coming in, which is why I was kind of interested in the figures that were given of the survey a little while ago. Our staff tells me that just because you're on the expressway doesn't mean you can drive over 55. You still must drive according to the law.

One interesting point: One morning last week coming in we saw two cops just as we approached the Pentagon, or maybe right after the Pentagon, and I started to slow down. We picked up two riders so we could get on the expressway, and this guy in the back said, "Oh, you don't need to slow down. They are not here to check on speed; they are here to check on whether there's four in a car." I thought that was pretty interesting. I mean, you having people riding, knowing full well that they are not there to stop you for speeding, they are just there to check on whether you've got four in a car.

I don't know whether there is a question in there, as Mr. Valentine said, but I thought I would make that comment. I was interested in what Mr. Lightfoot had to say. Thank you, Mr. Chairman.

Mr. ANDERSON. Thank you, Mr. Sunia.

Following up on Congressman Valentine's questioning, have you given any thought to TV shows and automobile commercials that emphasize high-speed chases or the high-speed performance of the car they advertise? What is the point of showing that a sports car can well exceed the legal speed limit? Have you gone to the advertisers to suggest that they might be having a bad influence on highway safety in showing such commercials? Obviously they must have some effect.

Mr. HADELTINE. I am not aware, Mr. Chairman, that we have gone to advertisers who depict the performance characteristics of vehicles in commercials. My judgment is that the vehicle manufacturers have relied less in recent years on that type of advertising than they may have in the past. What we have done is that we have worked very closely television with the network to try to convince them to improve driving practices depicted on network television programs in general—whether it be speed, whether it be drinking and driving, whether it be safety belt usage or other driving practices. I must say we have had some successes in that area. A number of weekly television shows have modified the manner in which they treat driving an automobile in their programming, because we know it has an impact on people.

Mr. ANDERSON. Do you know how Statewide enforcement shapes the speeds on State highways? For example, if people perceive that enforcement efforts are greater on interstate-type highways than on the other 55-posted routes, are they less likely to speed on those freeways?

Mr. HASELTINE. Yes, sir; I would think so. Law enforcement presence on any roadway, in our experience, affords the greatest single deterrent to speeding or other traffic violations, and so a perceived high level of enforcement would tend to make people drive slower, tend to make people think more cautiously about drinking and driving, and would tend to make them more likely to obey traffic control devices as well. Law enforcement presence is——

Mr. ANDERSON. Well, I am confused. Do you associate statewide enforcement with observing the officer out on the road? Is that it, just seeing them out there?

Mr. HASELTINE. Actually observing the officer——

Mr. ANDERSON. Or is it something more than just that?

Mr. HASELTINE. I think that observing the officer is the largest single factor. The impressions created through the use of media, reporting, the CB radio network, word of mouth, if you will, also have an impact. All of these, I think, tend to augment the perception and help keep speeds down. But if we don't have an enforcement presence, eventually motorists are going to figure out that everything else they are hearing is incorrect, and speeds are likely to creep up.

Mr. ANDERSON. The TRB report states that Federal grants to encourage and enhance enforcement are too small to be of much consequence to understaffed State highway patrols. Do you agree with that assessment?

Mr. HASELTINE. No, sir; I do not. In the current fiscal year, the State and community highway safety program apportionments to the States under section 402 of the Highway Safety Act provide $20 million to the States specifically earmarked for enforcement of the 55-mile-per-hour national maximum speed limit. Our understanding is that some States in fact are having difficulties expending those funds, primarily because, or at least partially because, of a natural reluctance on the part of States to accept Federal funds for full-time personnel, given the possibility that at some future point the Federal funding may no longer be provided and they will be left with additional personnel to support with their own funds. So I think additional Federal funding in this area is not, sir, in fact the answer. I think the level of Federal funding at this point is adequate.

Mr. ANDERSON. Under the proposed TRB monitoring plan, will States be required to make changes in their monitoring apparatus, and how long would that take, and would it be costly?

Mr. HASELTINE. No, sir, they would not be required to make changes in their monitoring apparatus. Some States might choose to add additional monitoring sites, which cost $3,000 to $5,000 per unit and are of one of two forms—either a buried loop detector which goes into the pavement itself or, on low-volume roadways, just the rubber tubes across the road. In either case, this apparatus, does not take a great deal of time to deploy, and in any event the draft change in the monitoring system would not require any

State to change the detection mechanisms. It would require States to change their reporting and their analysis of speeds. States now are not required to report speeds over 60 or over 65 miles per hour, merely those over 55 miles per hour. Under the proposed change they would be required to. Most States voluntarily do so now. Maybe a few States would have to add slightly more sophisticated equipment, but I think it's not a major issue, sir.

Mr. ANDERSON. Thank you very much, Mr. Haseltine, for your presentation.

Mr. HASELTINE. Thank you, Mr. Chairman. It's always a pleasure to be here.

[Mr. Haseltine's prepared statement follows:]

STATEMENT OF PHILIP W. HASELTINE, DEPUTY ASSISTANT SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to testify today on the current status of the national 55 mile per hour speed limit program and on the recommendations of the National Academy of Sciences to modify that program. I want to commend the Subcommittee for holding this hearing, and for its efforts to respond to current developments in the speed limit program. Although we have reservations about several aspects of the proposal that has been prepared for the Subcommittee's consideration, we welcome the opportunity to assist the Subcommittee in its deliberations.

We are now in the twelfth year of the national 55 mph speed limit. The Department agrees with the essential finding of the National Academy study that the 55-mph limit has saved thousands of lives in each of these years. The study highlighted the reasons for its effectiveness: lower speeds allow more time for drivers to react, particularly on roads with limited sight lines; they shorten braking distances; and they reduce impact speeds. Because the crash severity increases with the square of the speed, a reduction of only a few miles per hour can dramatically decrease the risk to vehicle occupants. For all of these reasons, the 55-mph limit is continuing to save lives and reduce injuries today.

Yet we must acknowledge that a long-term trend toward increased speeds is gradually reducing the effectiveness of the 55-mph limit. The oil embargo which prompted the national law has faded from memory. Without the waiting lines at gasoline pumps to serve as daily reminders to observe the speed limit, motorists have gradually drifted back toward higher speeds. As speeds have increased, the states have encountered more difficulty in satisfying the requirement that at least 50 percent of motorists must be traveling at 55 mph or below.

This year we have sent notice letters to three states—Vermont, Maryland, and Arizona—informing them of an initial determination that they have too high a percentage of motorists exceeding 55 mph. They have been offered an opportunity for a further hearing before we reach a final decision on the matter, and they have formally requested that those hearings be held. If the states are found to be out of compliance with the law, the Department is authorized to withhold up to 10 percent of a state's Federal-aid highway construction funds. This is a step that the law requires us to consider. We will keep the Subcommittee informed of our deliberations concerning these states.

It is likely that additional states will fail to meet the statutory compliance criterion next year. We believe this is a good time to examine the methods by which state compliance with the speed limit should be measured. In its report, the National Academy recommended that the Department consider a method other than the present method of calculating the percentage of motorists exceeding 55. It was the NAS view that such a calculation gives a 1-mph violation as much weight as a 25-mph violation, thereby discouraging enforcement officials from concentrating on the more serious violations. The NAS report recommended that compliance be measured through "a point system that attaches more significance to high-speed violations than to violations just above the speed limit." It also noted that such a point system could be extended to "reflect the different safety risks on various road systems."

We agree that the present compliance system does not discriminate between violations according to the risk they present to safety. It may be possible to assign a point value to a violation, according to the number of miles per hour by which the

violator exceeds 55, and according to the type of road on which the violation occurs. Thus, a marginal violation on an Interstate could produce a very low point value, whereas a 25-mph violation on a rural two-lane highway could produce a very high value. This corresponds well to the relative danger inherent in the two violations.

Using a point system of this kind could help ensure that differences between states would reflect actual differences in the safety of travel. If such a system could be developed, it could create a more equitable framework for enforcement of the law. It could also permit the states to better allocate their enforcement resources in accordance with the safety need, giving them a flexibility that they have long desired. It could thus promote better safety programs.

While we favor a system that is more equitable and more likely to promote safety, we do not believe that such a system should necessarily increase the number of states in potential noncompliance. The number of states affected would depend on the total points a state would be allowed to accumulate without being in noncompliance. Drawing the line between compliance and noncompliance may be the most difficult aspect of the point system. We do not believe that the point system described in the proposal before the Subcommittee satisfies the need for increasing equity, nor are we certain that it is workable as presently structured. We would be opposed to setting a maximum permissible point level which abruptly threatened a large number of states with noncompliance under the modified system.

Among our concerns with the proposal is that it presents such a radical departure from the current monitoring system that states would be uncertain as to how to deploy their enforcement resources. If it were in effect today, there would be eleven states out of compliance for Fiscal Year 1984, instead of the three states the Department has tentatively judged to be out of compliance under the current system. Of these three states, two would have satisfactory performance levels under the proposed system. At the other extreme, the State of Alaska would be out of compliance under the proposed system, even though it had better than 50 percent compliance in FY 1984 without adjustments and had the fifth lowest 85th percentile speed of all the states.

Thus, Mr. Chairman, we believe that the proposed system would not be perceived as equitable or workable. Rather, it would be viewed as a change of rules to carry out a strict Federal crackdown on the states. State reporting for the first two quarters of FY 1985 suggests that a dozen or more states may be out of compliance under the current system. We could easily envision more than half the states being out of compliance under the proposed system. The Department of Transportation is anxious to continue working with the Committee to improve the monitoring system, but we are convinced that we need to continue to examine various weighting systems before we can arrive at a more equitable solution.

Finally, the Subcommittee should be aware that we are continuing to review other policy options suggested by the National Academy of Science's report. The potential options range from keeping the 55-mph limit intact on all roads, an option reflecting the considerable support in public opinion polls for 55 described in the report, to allowing a higher limit on certain highways, based on the characteristics of those highways, such as the rural portions of the Interstate system mentioned in the report. Other options might include allowing higher speeds on certain roads in states that take other safety measures, such as the enactment of safety belt use laws, to offset the potential effect of the higher speeds. Such changes would require action by Congress to amend the speed limit law. We are continuing to examine the advantages and disadvantages of these other options as we consider our response to the NAS report.

If we conclude after examining all the options that additional administrative or legislative changes are advisable, we will so advise the Congress and will work closely with the Committee and other Committees to implement them.

Mr. Chairman, this completes my prepared testimony. If you have questions I would be glad to answer them.

Mr. ANDERSON. Our next witness is Mr. Al Godfrey, the chairman of the National Association of Governors' Highway Safety Representatives.

Mr. Godfrey, we do have your prepared statement, so it will be made a matter of the record in its entirety. Please proceed.

TESTIMONY OF ALBERT L. GODFREY, SR., CHAIRMAN, NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES

Mr. GODFREY. Mr. Chairman and members of the committee, I am Albert L. Godfrey, Sr., the chairman of the National Association of Governors' Highway Safety Representatives, also known as NAGHSR, and the Governor's highway safety representative from the State of Maine. The members of NAGHSR and the members of this committee share an interest in a wide range of highway safety issues, one of which we are discussing here today.

Mr. Chairman, we want to restate our support for the 55-mile-per-hour national maximum speed limit, one of the most effective highway safety policies ever developed. It can certainly be claimed that no other national policy has had such an immediate effect on the lives saved and injuries mitigated, beginning just after it became law over a decade ago. This important national policy is at a crossroad, and the States, this committee, and the U.S. Department of Transportation need to consider some difficult issues regarding State compliance with the law.

It is obvious that no State wishes to be out of compliance with the 55-mile-per-hour law, and NAGSHR pledges to work with you and others concerned about the effects of excessive speed, to solve any administrative problems that the States may be having in enforcing the NMSL.

Last week in Sparks, NV I had the opportunity to discuss the 55-mile-per-hour issue at length with my executive board. This discussion centered around information that we have been provided regarding a proposed point system that might be established to assist States to meet compliance requirements and not be sanctioned. From our best information regarding the proposed formula, as near as we can determine 11 States will still be sanctioned. We do not want to see an arbitrary and capricious formula for calculating compliance, and what we have seen to date appears to be that way. It will help some States to meet compliance and yet hurt others. We therefore do not want to see a blanket change that will not help everyone.

What we really need to look at are some of the facts of life that we are facing all over this great country. First of all, nationwide there is only an average of one on-duty State police highway patrol officer for each 190 miles of roadway posted at 55 miles per hour. This estimate was made before the recent Supreme Court ruling on fair labor standards and, as a result, there may be even less manpower available if the other States have been affected as we have been in the State of Maine. How effective can enforcement be on all of the 55-mile-per-hour highways with this limited number of officers available?

Second, what percent of the total vehicle miles traveled are driven at a speed exceeding 55 miles per hour? This is not currently measured in calculating compliance. We estimate at present that the monitoring stations are measuring only 5 to 10 percent of the total vehicle miles traveled, and in our opinion this is not necessarily reflective of what States are doing in the enforcement area. I would also point out that low-volume and high-volume monitoring

stations are given the same attention, which certainly is not equitable.

A poll of our executive board shows that we are in favor of continuing the 55-mile-per-hour national maximum speed limit across our Nation. We have reviewed H.R. 693, introduced in the House last January, that would permit States to raise the maximum speed limit up to 65 miles per hour on rural Interstate routes where the Secretary of Transportation determines that highway safety will not be significantly compromised, and we are not in favor of this change.

The first quarter century of my career was in traffic operations with a responsibility for establishment of speed limits, and I believe I am qualified to speak with professional expertise in this area. What I believe we are really looking at is a human factors issue. The average human being drives between 4 and 8 miles per hour above the posted speed limit, no matter what level it is posted at. He or she then starts looking over their shoulder and becomes paranoid regarding breaking the law at about that point. In this Nation today the average speed is in this range above the posted 55-mile-per-hour speed limit.

If we were to raise certain sections of rural Interstate to 65 miles per hour, we can plan to see the same increase over 65 that we have seen over 55 miles per hour today. Some folks would like you to believe that most everyone would travel at 65 miles per hour legally if posted as such, where they do so today illegally. I have not forgotten when we in Maine posted the interstate highways at 70 miles per hour and were seeing average speeds of approximately 76, and I have no reason to believe that they would be any different today if we were to change the 55-mile-per-hour limit.

Another area that I would like to focus on briefly relates to the posting of the speed limits on our highways. In 1973 and 1974 this country spent millions of dollars changing all of the speed limit signs to 55 miles per hour. If we were to change sections upward to 65, who is going to pay? I don't believe that the Highway Trust Fund is in such fine financial shape that the funding could come from that source, and I am not hearing from the States that their financial positions are any better than that.

In conclusion, our association wants to again go on record as being in favor of the 55-mile-per-hour national maximum speed limit. We do, however, ask that a compliance formula be developed that includes consideration of the number of vehicle miles traveled, the number of speed-related crashes, and the measurement of speeds being encountered at the measuring stations, in order that each monitoring station may be weighted, which is not currently taking place. It would appear that if the urban and the rural monitoring stations were properly weighted, all States would be treated equally if they were to be sanctioned.

And, finally, when the new formula is determined, sanctions should be meaningful and not just threats, as we have seen in the past. Only then will the State legislatures and the citizens of this country settle down and realize that 55 miles per hour is really a lifesaver.

This concludes our statement, and I would be pleased to answer any questions about this testimony or any other highway safety issues not mentioned.

Mr. ANDERSON. Well, thank you, Mr. Godfrey, for your presentation.

Now you indicate that States simply don't have sufficient resources to vigorously enforce the 55-mile limit against all violators. If the Federal Government was to encourage you to focus your efforts on the most flagrant violators, would that encourage drivers who go 55 today to increase their speeds to 60? What impact would that have on the accident rate?

Mr. GODFREY. I don't believe that would encourage people that are driving 55 to drive at a higher rate of speed. I believe that human nature—nearly everyone drives at a higher speed than 55. We do have a few at 55. I don't believe that you are going to change their habits.

What I am suggesting is, if we were to concentrate our limited manpower in those higher volume, traveled areas, the higher accident areas, and have less manpower out on patrol in perhaps some of the—we have one section of interstate 95 that is 100 miles long, there is nothing out there. There are several hundred miles in length in some of the greater western States where you don't have an accident, or extremely seldomly, and as you get closer to the metropolitan areas, you have greater buildup of accidents. It just makes sense to patrol your people in that area.

Mr. ANDERSON. If the compliance monitoring plan is changed, in your opinion will the number of fatalities on the interstates rise?

Mr. GODFREY. I do not believe that the number of fatalities will rise. No, I don't.

Mr. ANDERSON. What are the key factors in deterring speeders? What would be required for a change in behavior by motorists?

Mr. GODFREY. Well, the biggest change of behavior, I would have to agree, was what Mr. Haseltine said earlier here, that the physical presence of law enforcement is the greatest deterrent you have. They may not have to be present on a particular section on a particular day, but if it is known that on a total length of a highway, somewhere along that place there is going to be a hard crackdown, you are going to have people complying in that regard. That is going to be the major, major thing.

Mr. ANDERSON. What is your current adjustment procedure in the present monitoring system?

Mr. GODFREY. I don't believe that it is really fair. It doesn't take into account the low volume versus the high volume of traffic. It doesn't take into account speed-related accidents. I think that it can be improved upon. This suggested point system that is being discussed today, the four times ratio, 4-to-1 ratio type thing there, it is a step in the right direction but I believe there are still inequities in that area that need to be addressed.

Mr. ANDERSON. What changes in the current reporting systems by States will be necessary under the proposed TRB monitoring scheme?

Mr. GODFREY. I am not sure exactly what the changes are. That's nothing too great. I think it's something that all of the States can comply with with no great problem.

Mr. ANDERSON. Mr. Howard.

The CHAIRMAN. Thank you very much, Mr. Chairman.

Thanks very much for the testimony. The number of policemen or State troopers is certainly a deterrent to speeding. What do you think of States such as some in the West, which have passed laws, setting a maximum fine of $5 for violations up to 70 miles an hour. It is not considered a moving violation. the driver is charged with wasting fuel. That is not much of a deterrent.

Mr. GODFREY. That certainly is not much of a deterrent.

The CHAIRMAN. I would agree with you on that.

We also have a study which shows that if you are involved in a crash at 55 miles an hour, your chances of being killed are 1 in 30. At 70 miles an hour, it's 1 in 2, even money. That's what we are trying to get at, and we do need help from those of you in the States as to how we can really get after the 65-, 68-, 75-mile-an-hour speeders.

You have accurately stated how much above the speed limit the average traffic flows Law enforcement officers, certainly if they are overloaded, aren't going to be as bothered by someone going 57 as someone going 67. You said 4 to 8 miles above the speed limit is what people drive, on average.

We had figures that when the 55 speed limit went into effect the average speed on the interstate went from 67 down to 61. It didn't get to 55 at all. Would you say, then, if the speed limit itself were to be raised to 60, would that average speed still be 61 or do you think that would go up 5 miles an hour?

Mr. GODFREY. It is going to go up 5 miles an hour. There is no question in my mind.

The CHAIRMAN. I agree with you completely, and thank you.

Our general thrust at this time is to put more of an emphasis on the very fast speeders, because they are the ones who get killed themselves and kill others. The range of traffic speeds is another problem. If you have cars traveling very fast and very slow on the same road, you have many more passing lane changes and many more dangerous situations. If we could reduce the range, you wouldn't have as much passing and as many lane changes. If the range were reduced, would there be improvements in safety factors?

Mr. GODFREY. Absolutely. The closer that you get this range into the pace of the traffic, where they are traveling, the less turbulence you're going to have.

The CHAIRMAN. Thank you very much for your testimony.

Thank you, Mr. Chairman.

Mr. ANDERSON. Mr. Lightfoot.

Mr. CHAIRMAN. By the way, we would like to get as much input from those of you who are out in the States as possible. This is one committee that does realize that most of our good information comes, from not the people who write the laws here, but the people who have to live with them.

Mr. GODFREY. Certainly.

Mr. LIGHTFOOT. Mr. Godfrey, you mentioned in response to Chairman Anderson's question that you felt there were some inequities in the system that was being discussed. Would you care to

elaborate on that somewhat, what you feel those inequities might be and the pluses and the minuses on either side?

Mr. GODFREY. The only inequities are, we want to make sure that the urban and the rural monitoring stations are weighted as such, that they each have a fair shake; that we do take into account the actual speeds that are being measured at these monitoring stations for this type of highway where these speeds are being monitored, taking into account the speed-related accidents. You will have other types of accidents there, such as falling asleep, under the influence of alcohol or some other drug, or what have you. Really, you want to look at only the speed-related accidents and the actual volumes of traffic that we have there, so to take those three items into account so that, where you have a monitoring station that has 200 vehicles per day, that is not treated as equally as the monitoring station that has 100,000 vehicles per day; that they are weighted accordingly, to give more emphasis to the higher-volume one than you would the lower volume one.

Mr. LIGHTFOOT. Then do we need to put some mechanism in to accurately discern which numbers we are looking at? As an example, one of the big arguments for the 55-mile-per-hour speed limit is that the death rate has gone down, and that relatively is a flat line, but yet at the same time the number of accidents per million cars has increased, so it would suggest that possibly the safety features that have been added to the newer vehicles are saving lives. There are other things that could be put in to those numbers, so when we work on those figures we are going to have to put something together that says that specifically this was speed-related and there was not any other influence on this particular item. Do those guidelines need to be rigid, do you think, so that the numbers tell us the truth? I guess is what I'm trying to get at.

Mr. GODFREY. We have to take an indepth look at these things. We have seen more or less a straight line rate, as you have mentioned even though there have been increases in the accidents. It's a hard question to answer. TRB spent all kinds of time on their report. I'm sure that U.S. DOT has spent a lot of time in their thoughts. We don't have the silver bullet to it either, but we ask that we do take a look at all of these various things to try to get something as equitable as we can, and not just an arbitrary 4-to-1 ratio or something like that. I can't totally disagree with Mr. Haseltine on his 4-to-1 ratio there. Those rates do run about 4 to 1.

Mr. LIGHTFOOT. I guess what we want to do is be certain that the numbers are telling us what we think they are telling us.

Mr. GODFREY. We certainly hope that they will, yes.

Mr. LIGHTFOOT. As a representative of the States, you were here when Mr. Haseltine was here, and the question I asked him, I am going to readdress that to you: If this formula, whatever it comes out in its final form, would tend to shift the enforcement area off of the interstates and onto the secondary roads—and you just mentioned that the presence of a police officer, the fact that you see a car along the road or freshly painted radar markings or whatever, that sends the message to the motorist that the law is enforced—if we would have to dilute somewhat the enforcement on the interstates in order to bring up this secondary thing, because of what the formula might force a State into for fear of losing funding, this

type of thing, what kind of costs are we maybe looking at as far as the States are concerned? Are they going to be faced with a situation that maybe financially they can't really comply and continue to keep the 55 enforced on the interstates, where the bulk of the traffic travels? Do you see that as a problem?

Mr. GODFREY. I don't think I see it as a problem. In discussing it with my executive board, I'm not too sure that we are going to be taking them off from the interstate. There may be a slight reduction of personnel on the interstate there, but I think what a lot of the States' biggest problem has been is deploying a force out on an Interstate System where you did not have enough manpower on the heavily traveled sections of the interstate, and you had to keep some people out on the very sparsely traveled portions of the interstate. The Interstate System does carry a large majority of the traffic, but a large majority of that is concentrated closer to the metropolitan areas, too, where there are hundreds and hundreds and hundreds of miles of interstate out there in the boondocks, where you don't really need the manpower.

Therefore, States are continually faced with a manpower problem. The Fair Labor Standards Act ruling that just came down from the Supreme Court, in the State of Maine—as I mentioned in my testimony—has killed us. We had a system of 12 hours on, 12 hours off, that type of thing, where now it is a 40-hour week and you have to pay time and a half over that, where we didn't before. It has cut our force right in half, just about, and we only had 150 State troopers or something like that to cover all of our field patrol areas as it was.

Mr. LIGHTFOOT. Yes. This may be a parochial point of view but the primary mission of State troopers is highway safety, whereas—as was correctly pointed out earlier—much of the secondary roads fall into the hands of municipalities and county sheriffs' departments and so on, where traffic tends to be one of their lesser priorities. Particularly with a county sheriff in our part of the country, serving of warrants and investigative things and so on are the things that are their top priorities, and they work traffic when they get done with everything else. I can just see in some States that, in trying to comply with this, it could really put them in a financial crack and they are already in one to start with. I guess that is where I was coming from on it.

Mr. GODFREY. I can't argue with that point. That fact of life is out there.

Mr. LIGHTFOOT. Thank you. I appreciate it.

Thank you, Mr. Chairman.

Mr. ANDERSON. Mr. Moody.

Mr. MOODY. Thank you, Mr. Chairman.

A monitoring plan which contemplates moving law enforcement off of the I-Systems and onto the non-I Systems in various States might not be neutral with respect to States because some States have a much higher proportion of noninterstate posted 55 than others. For example, Vermont I believe has no non-I Systems posted 55. Now in that context, with States having a different mix of I and non-I at 55, if we emphasize the non-interstate monitoring, do you think this would cause States to fall into noncompliance or

would tend to create a public policy problem of non-equal treatment? Do you foresee an issue in that regard?

Mr. GODFREY. Well, if you take into account the vehicle miles driven, whether it is interstate or noninterstate highways, and you take into account the speed-related accidents that are occurring on either one of them, I believe that everyone would be treated equitably on the vehicle miles driven on the various sections of highway. There might have to be some changes made in how the State was doing their patrolling but at least they would know that everything was being weighted on an equal basis and they could weight how they are going to deploy their manpower in the same area.

Mr. MOODY. Do you propose this sort of flexible approach rather than the current approach?

Mr. GODFREY. I believe that we ought to have something more flexible like this, yes. The cut-and-dried thing that we have now does not take into account all of the factors. I know in Maine a couple of our monitoring stations where we are in deep trouble as far as meeting compliance have the lowest speed-related accident sections in the State.

Mr. MOODY. Yes. Do we have figures on the likelihood of having an accident or being killed on a non-I versus an I system, that is a non-I 55? Obviously it is more dangerous to drive at 55 on a windy, curvy road that is a non-I than it is to drive at 55 on an absolutely straight road with wide shoulders, and yet we now treat them essentially equal. Do we have figures to back up how much more dangerous it is to travel 60 on those two types of systems, or 65? Do we have any measurement of the different risks associated with non-I versus I related to speed?

Mr. GODFREY. Yes. There is information available on the various types of design of highways, of course interstate is the safest, with the flattest side slopes, the best guard rail systems, and the whole works. There is information available.

Mr. MOODY. So we might save more lives if we redeployed the law enforcement to take account of the relative dangers of the different systems, rather than simply looking at 55 miles per hour.

Mr. GODFREY. That is certainly correct, because the person that runs off the road say on the interstate, chances of anything happening to him are quite remote, and as you get into the primary system his chances of something happening are greater. As you get into the secondary system, they get even greater.

Mr. MOODY. Yes. OK. Thank you.

Mr. GODFREY. Certainly.

Mr. ANDERSON. Thank you very much, Mr. Godfrey, for your presentation. We appreciate it.

[Mr. Godfrey's prepared statement follows:]

STATEMENT OF THE NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES

Mr. Chairman and members of the committee, I am Albert L. Godfrey, Sr., Chairman of the National Association of Governors' Highway Safety Representatives (NAGHSR) and the Governor's Highway Safety Representative in the State of Maine.

NAGHSR, through the guidance of its entire membership and Executive Board, operates in the area of highway safety on behalf of the States, Territories, and the District of Columbia, with the Congress and the Executive Branch. By memorandum

of agreement NAGHSR is the highway safety support affiliate of th National Governors' Association. The Association acts as a central dissemination point for information concerning legislative and administrative activity affecting the states' highway safety programs.

The members of NAGHSR and the members of this committee share an interest in a wide range of highway safety issues, one of which we will discuss today.

Our testimony today will address the issue of the 55 MPH National Maximum Speed Limit as it relates to enforcement and monitoring.

Mr. Chairman, we want to restate our support for the 55 National Maximum Speed Limit (NMSL), one of the most effective highway safety policies ever developed. It can certainly be claimed that no other national policy has had such an immediate effect on lives saved and injuries mitigated, beginning just after it became the law over a decade ago. This important national policy is at a crossroad and the states, this Committee and the U.S. Department of Transportation need to consider some difficult issues regarding state compliance with the law. It is obvious that no state wishes to be out of compliance with the 55 MPH law, and NAGHSR pledges to work with you and others concerned about the effects of excessive speed to solve any administrative problems the states may be having in enforcing the NMSL.

Last week in Sparks, Nevada I had the opportunity to discuss the 55 MPH issue at length with my Executive Board. This discussion centered around information that we had been provided regarding a proposed point system that might be established to assist states to meet compliance requirements and not be sanctioned. From our best information regarding the proposed formula, as near as we can determine, 11 states will still be sanctioned. We do not want to see an arbitrary and capricious formula for calculating compliance and what we have seen to date appears that way. It will help some states to meet compliance and yet hurt others. We, therefore, do not want to see a blanket change that will not help everyone.

What we really need to look at are some of the facts of life that we are facing all over this great country. First of all, nationwide there is only an average of one on-duty state police or highway patrol officer for each 190 miles of roadway posted at 55 MPH. This estimate was made before the recent Supreme Court ruling on Fair Labor Standards and as the result there may be even less manpower available if the other states have been affected as we have been in the State of Maine. How effective can enforcement be on all of the 55 MPH highways with this limited number of officers available? Secondly, what percent of the total vehicle miles traveled are driven at a speed exceeding 55 MPH? This is not currently measured in calculating compliance. We estimate at present that the monitoring stations are measuring only 5 to 10 percent of the total vehicle miles traveled and in our opinion this is not necessarily reflective of what states are doing in the enforcement area. I would also point out that low volume and high volume monitoring stations are given the same attention which certainly is not equitable.

A poll of our Executive Board shows that we are in favor of continuing the 55 MPH N.M.S.L. across our nation. We have reviewed H.R. 693 introduced in the House last January that would permit states to raise the maximum speed limit up to 65 MPH on rural Interstate routes where the Secretary of Transportation determines that highway safety will not be significantly compromised and are not in favor of such a change.

The first quarter century of my career was in traffic operations with a responsibility for establishment of speed limits and I believe I am qualified to speak with professional expertise in this area. What I believe we are really looking at is a human factors issue. The average human being drives between 4 and 8 miles per hour above the posted speed limit no matter what level it is posted at. He or she then starts looking over their shoulder and becomes paranoid regarding breaking the law at about that point. In this nation today the average speed is in this range over the posted 55 MPH limit. If we were to raise certain sections of rural Interstate to 65 MPH we can plan to see the same increase over 65 MPH that we have seen over 55 MPH today. Some folks would like you to believe that most everyone would travel at 65 MPH legally if posted as such, where they do so today illegally. I have not forgotten when we posted the Interstate Highways at 70 MPH and the average speed was approximately 76 MPH and I have no reason to believe things would be any different today if we were to change the 55 MPH limit.

Another area I would like to focus on briefly relates to the posting of the speed limits on our highways. In 1973 and 1974 this country spent millions of dollars changing all of the speed limit signs to 55 MPH. If we were to change sections

upward to 65 MPH who will pay? I don't believe that the Highway Trust Fund is in such fine financial shape that the funding could come from that source and I am not hearing that the state's financial positions are any better than that.

In conclusion, our Association wants to again go on record as being in favor of the 55 MPH National Maximum Speed Limit. We do, however, ask that a compliance formula be developed that includes consideration of the number of vehicle miles traveled, the number of speed related crashes, and measurement of the speeds being encountered in order that each monitoring station may be weighted which is not taking place at present. It would appear if the urban and rural monitoring stations were properly weighted all states would be treated equally if they were to be sanctioned.

And finally, when the new formula is determined sanctions should be meaningful and not just threats that we have seen in the past. Only then will the State Legislatures and the citizens of this country settle down and realize that 55 MPH is really a lifesaver.

This concludes our statement, and I will be pleased to answer any questions about the testimony or any other highway safety issues not mentioned in it.

Mr. ANDERSON. Our next witness is Darrell V Manning representative of the Transportation Research Board. He is a former Secretary of Transportation in the State of Idaho, and is accomplished by Stephen Godwin of the Transportation Research Board.

We do have your prepared statement, Mr. Manning, and it will be made a matter of the record in its entirety. The floor is yours.

TESTIMONY OF DARRELL V MANNING, REPRESENTING THE NATIONAL RESEARCH COUNCIL, NATIONAL ACADEMY OF SCIENCES, ACCOMPANIED BY STEPHEN R. GODWIN, TRANSPORTATION RESEARCH BOARD

Mr. MANNING. Good morning, Mr. Chairman, I am delighted to be here to discuss the National Research Council's report on the 55-mile-per-hour speed limit. I am accompanied today by Stephen R. Godwin, as you just stated, from the staff of the Transportation Research Board, which is a unit of the National Research Council that conducted the study.

The report that I will discuss this morning was done in response to a provision contained in the Surface Transportation Assistance Act of 1982. That legislative change had two parts. First we were asked to examine the safety and the economic benefits of the 55-mile-per-hour speed limit. Second, we were asked to determine whether the laws of each State act as a substantial deterrent to violations of the national maximum speed limit.

To address these questions, the National Research Council assembled a committee that included experts in highway engineering, traffic operations, safety, research, medicine, law, trucking, statistics, and other areas of highway safety. I served as a member of that committee. Our work was financed by the National Highway Traffic Safety Administration, which was also extremely helpful in providing access to any and all data in its possession.

In my remarks I will comment on four topics: First, the effects of the 55-mile-per-hour limit on highway safety, energy consumption, and driving time; second, the committee recommendations regarding speed limits; third, the effects of State laws on motorists speeding; and, finally, how the Federal process for monitoring State compliance might be improved.

The 55-mile-per-hour speed limit was enacted to conserve fuel. When it became law, speeds on the Nation's highways dropped

sharply. During 1974, however, traffic fatalities—which had been rising during most previous years—declined sharply, 9,100 fewer people died in 1974 as a result of motor vehicle accidents than the year before, the largest single decline since World War II. As the fuel crisis receded, the 55-mile-per-hour speed limit was retained as a safety measure.

The 55-mile-per-hour speed limit was the key cause of this reduction in fatalities but there were also other causes. For example, the total travel declined about 1.5 percent in 1974. Additionally, there was a long-term trend of fatality decline at any given volume of traffic of about 3 percent a year, and there was a tendency for fatality rates to decline during periods of economic slowdown. Still, the size of the 1974 decline was far greater than could be accounted for by these factors. Our best judgment is that about one-half of the 1974 safety improvement could be attributed to the 55-mile-per-hour speed limit.

Since 55 was first enacted, numerous other factors have intervened to complicate the task of estimating today's costs and benefits of 55. Our best estimate, however, is that 55 continues to save 2,000 to 4,000 lives per year, a slightly greater number of severe injuries, and between 35,000 and 62,000 lesser injuries per year.

Of course, these benefits do not come free. The most significant cost of 55 is borne in the form of additional time on the road. The average American motorist spends about 7 additional hours per year in his or her car as a result of 55. Most of the additional driving time occurs in increments of less than 3 minutes per trip and may be scarcely noticeable by the motorist. However, the time costs are considerably more important to those who rely on the highway to make a living: Long-distance truck drivers, intercity bus drivers, traveling salesmen, and so on.

The other significant cost of 55 is for enforcement over and above what might be required with speed limits such as those that prevailed prior to 1974. The best available estimate of that cost is about $120 million per year.

In taking all of these considerations into account, our committee achieved a consensus in support of the view that the 55 should be retained as national policy. It stopped short, however, of making a firm recommendation that it should be applied everywhere. The committee was itself divided on the question of whether States should be allowed some leeway with respect to interstate highways in rural areas—that is, roads of this type, namely highways built to the highest design standard and carrying only light amounts of traffic. They represent 6 percent of all 55-posted highways and they carry 19 percent of all traffic on 55-posted highways.

I would like to turn now to the second part of our committee's charge, namely to assess whether the current laws of the States provide a sufficient deterrent to violations of the 55-mile-per-hour speed limit. We found to our surprise that the strength of penalties written into the State laws correlate only weakly with the actual speeds and fatality rates. Moreover, the percentage of traffic speeding on the interstate is just about the same in those States with strong, medium, and weak penalties.

There is evidence that suggests that the motorists are more influenced by the risk of being cited at all than they are by the magni-

tude of the penalty. In fact, the States with weak penalties cite motorists twice as often as those with strong penalties. Overall, we conclude that there is no evidence of a direct relationship between the statutory penalties and the amount of speeding.

Finally, I would like to address the central point of this morning's hearings, namely the Federal procedure for monitoring State compliance with the 55-mile-per-hour speed limit. The Federal Government now requires that each State keep at least 50 percent of the traffic on roads posted at 55 at or below the speed limit, or risk losing some of its Federal highway aid. However, the law also allows adjustments to the raw data on traffic speeds for possible sampling, speedometer, and monitoring errors. These adjustments have become increasingly important to the States. Without them, only 11 of the 50 States would have been in compliance in 1983.

The problem is that these adjustments have little scientific basis. Speedometer errors are very common, for example, but they tend to cancel each other out and they are clearly insignificant at a statewide level. We recommend, therefore, that these adjustments should be sharply reduced.

Additionally, we note that the States are now equally vulnerable to penalties for trivial as well as major violations. The current monitoring approach, for example, fails to distinguish between a vehicle traveling 56 miles per hour and those going 80 miles per hour. Similarly, it fails to distinguish between vehicles traveling on the interstate versus the secondary roads. Those traveling 80 are more dangerous than those traveling 56. However, those speeding on 2-lane and undivided highways are far more dangerous than those moving at the same speed on interstates.

Our committee thinks that the national monitoring system should take cognizance of these differences and should encourage the States to concentrate on preventing the more dangerous violations. The current method of monitoring State compliance places strong emphasis on the interstate highways because they carry a large percentage of the traffic, yet these are also the Nation's safest highways. This creates an incentive to misallocate enforcement resources toward volume and away from safety needs.

Thus, we recommend that the current monitoring system be replaced by a point system weighting violations by road type and degree of violation. This approach would be a closer reflection of safety priorities. Such an approach would also be in accord with the traditional speed enforcement practice because enforcement agencies, the courts, and the public have come to expect that a motorist will be allowed a few miles per hour leeway above the posted speed.

In summary, we find the 55-mile-per-hour speed limit to be one of the most effective highway safety policies ever adopted. We find, however, that the current mechanism by which the Federal Government monitors State compliance could be improved. In particular, we recommend that the Federal Government alter its method of monitoring State compliance to incorporate a point system that better reflects the degree of safety risk associated with different types of speeding violations.

Mr. Chairman, that concludes my prepared remarks. I will now be happy, with my colleague, to answer any questions you might have.

Mr. ANDERSON. Well, thank you, Mr. Manning, for your presentation.

Mr. Manning, you have before you a proposal for monitoring speeds which has been designed after the recommendation of your speed limit benefits study. Does it reasonably reflect what the panel had in mind in its recommendations?

Mr. MANNING. Mr. Chairman, we think it would be a great step forward in the compliance monitoring over what we now have. It is reasonably close to what we were thinking about in the deliberations of the committee.

Mr. ANDERSON. Three-fourths of the American public drive over 55 miles an hour, but over 70 percent support the speed limit. How can you explain this dichotomy which evidently exists?

Mr. MANNING. They vote with their minds one way and with their feet the other, Mr. Chairman. I would suggest that most people take into account the fact that they are expecting 3 or 4 miles per hour above the speed limit or more in various jurisdictions, and they support the 55-mile-per-hour speed limit assuming that the leeway will be granted.

Mr. ANDERSON. What is the public's perception about the stringency of speed enforcement, in your opinion?

Mr. MANNING. Do you mean how effectively the speed limit is being enforced, Mr. Chairman?

Mr. ANDERSON. Yes.

Mr. MANNING. I think that varies from jurisdiction to jurisdiction. I believe most people think that the speed enforcement is adequate. I think you would get disagreement from some of the law enforcement people on that, however.

Mr. ANDERSON. Now the TRB report states that Federal grants to encourage enhanced enforcement are too small to be of much consequence to understaffed highway patrols. Could you elaborate on that?

Mr. MANNING. Highway patrols are traditionally understaffed for the job that they are required by the legislatures and by the public to do. The speed monitoring effort requires about $120 million a year, and if my memory is correct, the Federal Government puts in about one-fifth of that in 55-mile-per-hour enforcement efforts, and so there is a considerable amount being placed on the 55-mile-per-hour enforcement by the local and State entities.

I think that the bill you are considering or the monitoring system you are considering will help in allowing the local and State agencies to reallocate resources from what they now have. Only 9 percent of fatalities occur on the Interstate Highway System, for example, and 30 percent of the enforcement activity occurs on the interstate, and so this mechanism will allow the States to reallocate the resources in a more logical way.

Mr. ANDERSON. Are there any more questions?

[No response.]

Mr. ANDERSON. Well, thank you very much, Mr. Manning and Mr. Godwin, for your presentation.

[Mr. Manning's prepared statement follows:]

TESTIMONY OF DARRELL V MANNING, MEMBER OF THE NATIONAL RESEARCH COUNCIL'S COMMITTEE TO ASSESS THE COSTS AND BENEFITS OF THE 55 MPH SPEED LIMIT, JULY 23, 1985

Good morning Mr. Chairman. I am Darrell V Manning, formerly the Secretary of Transportation for Idaho. I am delighted to be here to discuss the National Research Council's report on the 55 mph speed limit. I am accompanied today by Mr. Stephen R. Godwin, from the staff of the Transportation Research Board, the unit of the National Research Council that conducted this study.

The report that I will be discussing this morning was done in response to a provision contained in the Surface Transportation Assistance Act of 1982. That legislative charge had two parts. First, we were asked to examine the safety and economic benefits of the 55 mph speed limit. Second, we were asked to determine whether the laws of each state act as a substantial deterrent to violations of the national maximum speed limit. To address these questions, the National Research Council assembled a committee that included experts in highway engineering, traffic operations, safety research, medicine, law, trucking statistics, and other areas related to highway safety. I served as a member of that committee. Our work was financed by the National Highway Traffic Safety Administration, which was also extremely helpful in providing access to any and all data in its possession.

In my remarks this morning, I will comment on four topics: The effect of the 55 mph speed limit on highway safety, energy consumption, and driving time; the committee recommendations regarding speed limits; the effect of state laws on motorists' speeding; and how the federal process for monitoring state compliance might be improved.

The 55 mph speed limit was enacted to conserve fuel. When it became law, speeds on the nation's highways dropped sharply. During 1974, however, traffic fatalities, which had been rising during most previous years, declined sharply. 9,100 fewer people died in 1974 as a result of motor vehicle accidents than the year before, the largest single year decline since World War II. As the fuel crisis receded, the 55 mile per hour speed limit was retained on safety grounds.

The 55 mph speed limit was a key cause of this reduction in fatalities, but there were also other causes. For example, total travel declined about 1.5 percent in 1974. Additionally, there was a long term trend of fatality decline at any given volume of traffic of about 3 percent a year. And, there is a tendency for fatality rates to decline during periods of economic slowdown. Still, the size of the 1974 decline was far greater than could be accounted for by these factors. Our best judgment is that about half the 1974 safety improvement could be attributed to the 55 mph speed limit.

Since 55 was first enacted, numerous other factors have intervened to complicate the task of estimating today's costs and benefits of 55. Our best estimate, however, is that 55 continues to save two to four thousand lives per year, a slightly greater number of severe injuries, and between 35 and 62 thousand lesser injuries per year.

In addition to these safety benefits, the speed reductions attributable to 55 continue to save about 167,000 barrels of oil each day, which represents a saving of about $2 billion a year.

These benefits do not come free, of course. The most significant cost of 55 is borne in the form of additional time on the road. The average American motorist spends about 7 additional hours per year in his or her car as a result of 55. Most of the additional driving time occurs in increments of less than three minutes per trip, and may be scarcely noticeable to motorists. However, the time costs are considerably more important for those who rely on the highways to make a living—long-distance truck drivers, intercity bus drivers, traveling salesmen, and so on.

The other significant cost of 55 is for enforcement over and above what might be required with speed limits such as those prevailing in 1973. The best available estimate of that cost is about 120 million dollars per year.

Recommendations on speed limits

Taking all these considerations into account, our committee achieved a consensus in support of the view that 55 should be retained as national policy. It stopped short, however, of making a firm recommendation that it should be applied everywhere. The committee was itself divided on the question of whether the states should be allowed some leeway with respect to Interstate highways in rural area. Roads of this type, namely highways built to the highest design standards and carrying only light amounts of traffic, represent 6 percent of all 55-posted highways, and they carry 19 per cent of all traffic on 55-posted highways.

Overall, the committee judged that the value choices and uncertainties involved in any decision to relax 55 cannot be evaluated adequately by a technical group such as ourselves. Thus, we have confined ourselves to presenting the evidence, noting that its ultimate appraisal is inherently a political task for the Congress.

The effect of State laws on motorists' speeding

I would like to turn now to the second part of our committee's charge: namely, to assess whether the current laws of the states provide a sufficient deterrent to violations of the 55 mph speed limit. We found, to our surprise, that the strength of the penalties written into state laws correlate only weakly with actual speeds and fatality rates. Moreover, the percentage of traffic speeding on the Interstates is just about the same in states with strong, medium, and weak penalties. There is evidence which suggests that motorists are more influenced by the risk of being cited at all than they are by the magnitude of the penalty. And in fact the states with weak penalties cite motorists twice as often as those with strong penalties. Overall, we conclude that there is no evidence of a direct relationship between state statutory penalties and the amount of speeding.

How to improve the Federal procedure for monitoring State compliance

Finally, I would like to address the central point of this morning's hearings, namely the federal procedure for monitoring state compliance with the 55 mile per hour speed limit.

The federal government now requires that each state keep at least 50 percent of the traffic on roads posted at 55 at or below the speed limit, or risk losing some of its federal highway aid. However, the law also allows adjustments to the raw data on traffic speeds for possible sampling, speedometer, and monitoring errors. These adjustments have become increasingly important to the states. Without them, only 11 of the 50 states would have been in compliance in 1983.

The problem is that these adjustments have little scientific basis. Speedometer errors are very common for example, but they tend to cancel out and are clearly insignificant at the state-wide level. We recommend, therefore, that these adjustments should be sharply reduced.

Additionally, we note that the states are now equally vulnerable to penalty for trivial as well as major violations. The current monitoring approach, for example, fails to distinguish between vehicles traveling 56 mph and those going 80. Similarly, it fails to distinguish between vehicles traveling on Interstate vs. secondary roads. Those traveling 80 are more dangerous than those traveling 56, however, and those speeding on two-lane, undivided highways are far more dangerous than those moving at the same speed on Interstates.

Our committee thinks that the national monitoring system should take cognizance of these differences, and should encourage the states to concentrate on preventing the more dangerous violations. The current method of monitoring state compliance places strong emphasis on Interstate highways, because these carry a large percentage of traffic. Yet, these are also the nation's safest highways. This creates an incentive to misallocate enforcement resources toward traffic volume and away from safety needs. Thus, we recommend that the current monitoring system be replaced by a point system weighing violations by road type and degree of speed violation. Not only would this be a closer reflection of safety priorities: such an approach would also be in accord with traditional speed enforcement practice because enforcement agencies, the courts, and the public have come to expect that motorists will be allowed a few miles per hour of leeway above the posted speed limit.

Conclusion

In summary, we find the 55 mile per hour speed limit to be one of the most effective highway safety policies ever adopted. We find, however, that the current mechanism by which the federal government monitors state compliance could be improved. In particular, we recommend that the federal government alter its method of monitoring state compliance to incorporate a point system that better reflects the degree of safety risk associated with different types of speeding violation.

Mr. Chairman, that concludes my prepared remarks. My colleague and I will be happy to answer any questions you might have.

Mr. ANDERSON. Our final witness today is Maury Hannigan, vice chairman, highway safety committee of the International Association of Chiefs of Police, and deputy commissioner of the of the California Highway Patrol. Please proceed.

TESTIMONY OF M.J. HANNIGAN, VICE CHAIRMAN, HIGHWAY SAFETY COMMISSION, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, AND DEPUTY COMMISSIONER, CALIFORNIA HIGHWAY PATROL

Mr. HANNIGAN. Good morning, Mr. Chairman and committee members. I am Maury Hannigan, deputy commissioner of the California Highway Patrol, and also serve as the vice chairman of the International Association of Chiefs of Police highway safety committee. I am here representing both the State of California and IACP.

My specific purpose for being here is to provide you with some insight to the issue of 55 national maximum speed limit enforcement, and to discuss some of our concerns with the proposed point scheme for determining 55 compliance. Before starting my comments, I would like to personally thank each of you for your obvious concern with highway safety and for the commitment you have provided since enactment of the 55-mile-per-hour maximum speed limit in 1974.

California and the IACP have always been strong supporters of the 55 speed limit and have continually fostered diligent enforcement of the maximum speed limit since its inception. I am pleased to offer you our input in your efforts to ensure that the benefits of the 55 are not diminished.

Since 1977 the California Highway Patrol has conducted 11 special projects for 55 enforcement at a cost of nearly $16 million. These projects have always been in addition to our heavy concentration of normally deployed patrol officers. For example, we currently deploy nearly 85 percent of our officers on roadways with 55 speed limits and are spending about $3 million on special 55 enforcement projects annually. These efforts result in over 1 million citations being issued annually for 55 violations or about two citations every minute.

Our past programs have ranged from providing extra officers through overtime deployment, to using aircraft in conjunction with ground units for increased enforcement. While these projects have not resulted in greatly improved compliance, they have revealed significant information that may foretell the future of 55 enforcement effectiveness.

From 1980 through 1983, California conducted a project using aircraft on three specific sites to improve 55 compliance. Through this $4.5 million project, we were able to bring about some short-term reductions in vehicles exceeding 55. Additionally, we statistically estimated the cost of a 1 percentage point reduction in vehicles exceeding 55 on the roughly 100 miles of project roadways as being $250,000.

To hypothetically expand this to the 24,670 miles of 55 roadways in California equates to $61 million for every 1 percentage point reduction Statewide. This is truly a substantial enforcement cost for this small reduction, and even more substantial in light of California's average of one onduty officer for every 27 miles of 55 roadway, as compared to the national average of 190 miles. It becomes apparent that enforcement alone cannot economically impact 55

compliance, and redirection of resources is not a solution in light of other traffic safety concerns such as driving under the influence.

More important to the overall 55 compliance issue is the public's perception of exactly what 55 means. Over the past 11 years various public opinion polls have consistently shown strong support for the 55 limit. Nevertheless, based on California's experience and that of other State enforcement agencies, a majority of the public regard any speed below 60 miles per hour as being in compliance with the intent of the 55-mile-per-hour law. To disregard this opinion would place an impossible burden on law enforcement and the courts and ultimately, in our opinion, detract from 55 support by the public. Given this need for voluntary public support of the 55 limit, the perceived compliance must be considered. Unfortunately, the current compliance determination process does not make this consideration.

The lack of consideration of public perception is not the only shortcoming in the current process. Even more fundamentally flawed is equal treatment of speeds over 55, whether they are 59 or 85 miles per hour. Additionally, this system makes no allowance for the greater safety record of the freeway system.

In an effort to maintain the greatest highway safety benefits from 55 and correct these existing deficiencies, the proposed point scheme was developed for determining compliance. This measure is a very positive step, in our opinion, which recognizes the better safety record of our Nation's freeways and the need to concentrate enforcement on higher-speed violations. California and the IACP support this concept, and I offer the following recommendations only in the interest of enhancing this proposal. I would like to point out that under the proposal as written, California is not in a sanctionable position, so our input at this time at least is not self-serving. Rather, we seek to ensure equitability for all of the safer roadways, and further improve highway safety nationwide.

Our concerns center around three key points. First is the classification of roadways to be included in the interstate and freeways category. Next is the equitability of assessing points for unenforceable minor speed violations, and finally some specific steps to exempt highway safety projects from potential fiscal sanctions.

Although definitions are not provided with the proposal we received, it appears that rural four-lane, limited-access, divided highways such as California's rural freeways are excluded from the proposal's "safer interstates and freeways" category. During 1984, these rural freeways in California experienced a combined fatality and injury rate of 0.24 per million miles of travel, a better rate than either the urban freeways at 0.37 or the State freeway average of 0.33. Given this safety record, we recommend that the safety records of other States' rural freeways be examined, with a goal of establishing a procedure to include these roadways in the "interstates and freeways" category. Such inclusion could possibly be implemented through the creation of a separate functional class for these particular roadways.

While the point scheme proposal does attach greater weight to the less safe roadways and the higher speed violations, it does not allow for the motorist's perception of compliance I discussed earlier. Despite our extensive enforcement and publication, information

programs, there is still generally held a perception by the public that any speed below 60 miles per hour is in compliance with the intent of the 55 limit. Although I personally oppose penalizing a State for speed violations that are perceived by the public as being in compliance with the law, I do recognize the need to avoid any statutory implication of condoning a 60-mile-per-hour traveled speed.

As a compromise, I suggest that all speeds greater than 55 and less than 60 count as only one point in the compliance formula, regardless of the roadway type. This officially chastises such behavior without unduly punishing a State for actions that, in all reality, are beyond its control or influence. As an interim step pending enactment of the new point scheme, this philosophy could be implemented under current statute through rulemaking by the Federal Highway Administration increasing the current 2.5-mile-per-hour adjustment factor to 4 miles per hour.

The final area of concern deals with the relationship between highway safety projects and potential fiscal sanctions. We are all concerned with the need to make our highways as safe as practical. Unfortunately, the current sanction process specifies only the potential amount of fiscal sanctions and not how these cuts will be made. I ask that you consider allowing States under sanction to petition the Secretary of Transportation for the release of these funds for specifically targeted highway safety projects. If this provision was implemented, vital safety projects would be protected from sanction, and the sanction process would encourage safety, not detract from it.

In closing, I ask that each State be allowed to evaluate and comment on this proposal before it is enacted. I want to emphasize that my presence and recommendations should not be viewed as detracting from either the 55 speed limit or the proposed new method of determining compliance. To the contrary, I am here to provide you with some insight to the issue of 55 enforcement and discuss some ways that we believe your proposal could further protect the benefits of the 55 limit.

Thank you for your attention, and I would be glad to answer any questions you may have, Mr. Chairman.

Mr. ANDERSON. Well, thank you, Mr. Hannigan, for your presentation.

Do you think that the point system will result in decreased enforcement on the interstate?

Mr. HANNIGAN. Mr. Chairman, in California about 70 percent of our deployment is to the Interstate/Freeway System. In addition to speed enforcement, there are other violations of law that we enforce, besides providing public services to the motorist. In my opinion, as far as California goes it would not create a radical change in our deployment strategies. I cannot speak for all of the States, and I think that's why it is important that they have an opportunity to take a look at this proposal.

Mr. ANDERSON. My assumption was that you would probably be decreasing enforcement on the interstate. My question is, would that have the effect of increasing the speed limit on the interstate? It appears that apparently you don't think it will.

Mr. HANNIGAN. Well, I'm sure in considering the point approach, which I think is valid in considering that those highways are much safer than the non-Interstate/Freeway System, there may be some significant change in deployment. However, almost 70 percent of the travel in California is on our Interstate/Freeway System, and we have to address that as a level of public service, Mr. Chairman, so I would not see a radical change in our State.

Mr. ANDERSON. Do you think that any safety losses because of that shift would be offset by gains on nonfreeway 55-posted routes?

Mr. HANNIGAN. Assuming that there is a change and redeployment was placed on the less safe routes, I would think there would be an enhancement of safety, yes. I do not think the Interstate System would deteriorate that rapidly if there was a change.

Mr. ANDERSON. What are the major problems that enforcement officials would face in this approach?

Mr. HANNIGAN. Well, I think, Mr. Chairman, that we have to face the fact that enforcement alone cannot solve the problem. I think in the State of Maryland they write approximately 170 speed citations for every mile of 55 roadway they have, yet they are facing a sanction. In California we write approximately 44 for every mile of roadway that we have under 55 and we are closely approaching a potential sanction under the current system. The national average for all States is 14 per mile on 55 roadways. If Maryland can't do it with 170 per mile and we can't do it with 44 per mile, and we write over a million citations a year, more than any other State, I don't know what the answer is in the way of enforcement. Enforcement alone is not going to solve the problem. We are going to have to bring about some voluntary compliance.

Mr. ANDERSON. How could the Federal Government assist most in enforcement?

Mr. HANNIGAN. I think the Federal Government could assist through exploring those particular enforcement as well as public education programs that have been beneficial, and to provide those to the States as applicable to the individual States for their consideration, and to provide the funding necessary to implement those strategies in those States.

Mr. ANDERSON. Can you tell us how you prioritize enforcement efforts in California?

Mr. HANNIGAN. Currently approximately 40 percent of our enforcement effort is directed toward 55-mile-per-hour speed enforcement. In 1973 we were writing approximately 500,000 citations for violations of the maximum speed limit. Since 1974 we have been writing a million plus citations for violations of the maximum speed limit. That is 40 percent of our effort. We estimate the change in 55 alone is costing us somewhere between $50 and $60 million a year in State funds to enforce the 55.

One of our biggest priorities, and certainly one of the biggest priorities of the other States, is enforcement of the drinking driver laws. In California we arrested approximately 380,000 drunk drivers last year. The patrol arrested 153,000 of those alone. California accounts for almost 25 to 28 percent of the total drunk drivers arrested in the United States. I do not think it would be in the public's interest, and certainly not in the interest of traffic safety, to divert that type of effort toward more concentrated enforcement of

the 55-mile-per-hour speed limit, especially in the range of 55 to 60 miles an hour violations.

Mr. ANDERSON. My next question is, and I think we touched on it earlier; what percent of your enforcement manpower do you display on interstate-type highways and what percent do you display on lower designated roads?

Mr. HANNIGAN. Well, approximately—as I indicated in my presentation, Mr. Chairman—approximately 85 percent of our personnel are devoted to 55-mile-per-hour roadways.

Mr. ANDERSON. But that would not be all interstate. That would be split all over, between——

Mr. HANNIGAN. Well, it would be in the interstate and other freeway category. If you want to look at the interstate, you're talking roughly 70 percent of our personnel would be directed toward the Interstate System in California.

Mr. ANDERSON. How would you shift your enforcement effort under this proposed system?

Mr. HANNIGAN. As I indicated, Mr. Chairman, that would be pretty difficult because the vast majority of our travel is on those highways. The commercial enforcement that we perform with commercial vehicles, our anti-DUI enforcement programs, much of the effort that we provide in providing motorist services, has to be devoted to the interstate. Nevertheless, it would allow us more flexibility to move some of the people off the Interstate and concentrate on some of the less safe roadways.

The point is, under the proposal, the way roadway types are listed at least for our State, our mileage death rate on rural freeways is better than the interstate; and we don't understand why you would not incorporate the rural freeways into the interstate column if they have a better mileage death rate. We are looking at a mileage death rate for our rural freeways of 2.05. We are looking at a mileage death rate for the rural interstates of 2.44. So it seems to me that it would be in the best interests of DOT to take a look at the other States and see where their mileage death rates are on these rural freeways.

Mr. ANDERSON. What would you say is the most effective enforcement tool—high visibility, severe penalties, radar, air surveillance, or some other tool?

Mr. HANNIGAN. I think we have proven over and over again in California, the most effective tool you have for enforcement is high visibility. You supplement that with other strategies, such as air surveillance, and increased penalty levels for violations. Overall, visibility, not only is it effective, I think the public expects it. I think that the days of hiding behind a billboard with a radar gun are gone.

Mr. ANDERSON. Do you feel that public information would help enforcement officials in their duties?

Mr. HANNIGAN. I am not sure I grasp that question, Mr. Chairman.

Mr. ANDERSON. Well, public information, I assume, programs, press, and things like that.

Mr. HANNIGAN. Yes, sir, I do. We have had a number of such programs in California that we have funded with 402 funds; both enforcement and public education, and a combination of both. We

feel they have been effective. Currently the National Highway Traffic Safety Administration, in cooperation with our Office of Traffic Safety and the California Highway Patrol, is conducting a study in California to see if they can actually measure that effectiveness of public education in enhancing traffic safety, but I think definitely it benefits traffic safety, without question.

Mr. ANDERSON. What would the public perception be, do you think, if the proposed monitoring plan were adopted? Would the public perceive that just the limits were raised on interstates?

Mr. HANNIGAN. I think if there were a radical change in deployment made by States to pull their people off the Interstate System, there would be a perception by the public that while the speed limit had not changed, that the tolerance level might have been changed. And I think in the long term the speeds would creep up a little more than they have.

Mr. ANDERSON. In your opinion, would stricter enforcement on both interstates and noninterstates be accepted by the public if the emphasis were placed on speeds above 60?

Mr. HANNIGAN. I believe so. Most of the polls I have seen indicate that most people expect to be cited once they get above 60 miles per hour, and certainly above 65 miles an hour. I don't think there would be any misgivings by the public, if they were exceeding 60 and they were cited, that they did not deserve the citation.

Mr. ANDERSON. Are there any other questions?

[No response.]

Mr. ANDERSON. Mr. Hannigan, thank you very much for your presentation.

Mr. HANNIGAN. Thank you, Mr. Chairman.

[Subsequent to the hearing the following was received from Mr. Hannigan:]

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
P.O. BOX 898
SACRAMENTO, CALIFORNIA 95804
(916) 445-5751

August 12, 1985

File No.: 1.9832.A7026

The Honorable James J. Howard
U. S. Congress
House Office Building
Washington, D.C. 20515

Dear Congressman Howard:

I want to express my appreciation for the opportunity to testify before the House Subcommittee on Surface Transportation. It was a privilege to present a law enforcement perspective on the proposed alternative for measuring motorist compliance with the National Maximum Speed Limit (NMSL). Moreover, the informal discussions I had with members of your staff were both informative and helpful.

I have enclosed several items which you may find of interest. The first of these is a series of responses to questions submitted to me by the Subcommittee prior to my departure, along with a copy of the cover letter sent to Congressman Anderson. Also enclosed are some statistics on the California Highway Patrol's enforcement activity, provided in response to Caryll Rinehart's inquiry.

The NMSL continues to be an issue in which my Department and I are very interested. If my staff or I can be of any assistance whatever, please do not hesitate to call.

Very truly yours,

M. J. HANNIGAN
Deputy Commissioner

Enclosures

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
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SACRAMENTO, CALIFORNIA 95804
(916) 445-5751

August 12, 1985

File No.: 1.9832.A7026

The Honorable Congressman
Glenn M. Anderson
House Office Building
Washington, D.C. 20515

Dear Congressman Anderson:

Thank you for the opportunity to testify before the Subcommittee on Surface Transportation. It was a privilege to present a law enforcement perspective on an alternative means of measuring motorist compliance with the National Maximum Speed Limit (NMSL). I hope that my comments, and those of the other witnesses, were helpful in evaluating the present proposal and in determining what modifications would be appropriate.

Before leaving the hearing, I received some additional questions about my testimony. We have prepared written responses, and they are enclosed for your reference. I believe that the comments are, for the most part, self-explanatory. I do want to emphasize one point regarding fine revenue that may have been misleading in the Transportation Research Board report, "55: A Decade of Experience." The California Highway Patrol does not, by statute, receive any of the funds produced by its enforcement activity. Moreover, we have opposed on philosophical grounds any effort to alter these existing procedures for revenue distribution.

On a more personal note, while in Washington I was reminded of the time (now many years ago) that I served as your driver while you were California's Lieutenant Governor. I could not help reflecting on how much has changed since then. It certainly would not have been possible to predict that the relatively simple matter of maximum speed limits would develop into an issue of considerable complexity and controversy.

Despite concerns about the present application of the NMSL, I am encouraged by the efforts of the Subcommittee to provide some flexibility. I am confident that the states and Congress can maintain the NMSL as a viable traffic safety policy through the mutual accommodation of concerns on specific issues. If my staff or I can be of any assistance in these matters, please do not hesitate to call.

Very truly yours,

M. J. HANNIGAN
Deputy Commissioner

Enclosure

cc: Kathy Hoffman, Governor's Office

MEASURING STATE COMPLIANCE WITH THE 55 MPH SPEED LIMIT

RESPONSES TO THE CONGRESSIONAL SUBCOMMITTEE'S QUESTIONS
ON COMMISSIONER M. J. HANNIGAN'S 7/23/85 TESTIMONY

1. YOU STATE THAT, UNDER YOUR HYPOTHETICAL ONE PERCENT REDUCTION IN VEHICLES EXCEEDING 55 MPH FOR THE 24,670 MILES OF ROADWAYS, THE COST TO CALIFORNIA AMOUNTS TO OVER $61 MILLION. CAN YOU EXPAND ON THAT AND GIVE US AN ESTIMATION OF THE FINES BROUGHT IN BY CITATIONS TO EFFECT THAT ONE PERCENT REDUCTION?

Beginning in April of 1981, the California Highway Patrol (CHP) conducted a 27-month project using aircraft and ground officers to enforce the 55 MPH speed limit on three specific test sites with low compliance rates. The project cost of $4.53 million was funded by a federal grant through the California Office of Traffic Safety.

At the conclusion of this project, a comprehensive analysis was conducted which examined cost efficiency, among many other elements. The project results were then extrapolated to estimate the annual cost of obtaining and maintaining a one percentage point reduction in the vehicles exceeding 55 MPH on the State's 55 MPH roadways. The cost estimate was based only on that portion of the total project costs that were related to patrol activities on the project test sites. Costs not related to operational aspects of the project were excluded from the calculations. Also excluded was over $300,000 in costs related to a one year, multi-media 55 public awareness campaign.

The $61 million cost estimate included funding for the more than 1,000 additional officers projected to be needed statewide, as well as a conservative estimate of their training, equipment, facility expansion and direct support staff costs. On a per mile basis, such an enforcement effort would cost over $250,000 annually per mile of 55 roadway in California.

During this project, 41,411 citations were issued for violations of the 55 speed limit on the test sites. Assuming that the same number of citations would be issued per mile of 55 roadway throughout the State, there would be approximately 4,530,000 additional citations issued annually. Using an estimated 85 percent conviction rate and $35 average fine, this equates to $134,750,000 in additional citation revenue annually.

While this appears to be a self-funding proposal, there are several inherent flaws. First is that the projected number of citations would be sustained on a statewide basis. It should be recognized that to the extent that speeds are reduced over time, there will be fewer citations issued, and a resulting reduction in total citation revenue.

Secondly, citation income is not necessarily available to law enforcement agencies to increase enforcement resources. The California Highway Patrol does not receive any of the revenue from citation fines, and has philosophically opposed any such efforts in the past so that there would not be any confusion between the objectives of enforcement programs. Assuming that citation revenue is available for enforcement costs also overlooks the associated increases in local government costs for the accelerated court activities. Additional staff will be needed for judges, clerical support and bailiffs, at a minimum.

Even in those states where the state patrol receives some portion of the citation revenue, advance funds would be necessary to establish such an enforcement program, hire and train the new officers, and reimburse the initial operational costs. Supplementary funding would also be required in the future to maintain the enforcement presence at the same time as the number of citations decreases because of improved 55 compliance. For these reasons, it is difficult to envision an agency undertaking a 55 enforcement program of the magnitude necessary to have a substantial impact on statewide compliance with the 55 NMSL, unless there was a significant improvement in voluntary motorist compliance.

2. CAN YOU ALSO TELL US HOW MUCH CALIFORNIA SPENT, OR WOULD SPEND, ON SPEED ENFORCEMENT WITH A PRE-1974 SPEED LIMIT?

Based on this year's CHP budget of approximately $440 million, and that 40 percent of our total enforcement activities are for 55 enforcement, it is estimated that about $176 million is used for funding speed enforcement. If citations are used as a guide, we spend about twice as much time on 55 enforcement as we did on maximum speed enforcement prior to 1974. If current CHP speed-related enforcement expenditures are twice the pre-55 levels, then $88 million could theoretically be "saved" by raising the speed limit to pre-1974 levels.

This must be recognized as a rough indication at best, since many other elements must be considered. The single largest factor influencing this estimate is the "opportunity cost" of enforcement. That is, if significant emphasis could be shifted from 55 enforcement, these resources would be used on other major traffic safety concerns such as the drinking driver, commercial enforcement, or motorist services.

The estimate of 55 enforcement costs also includes some federal grant funds (about $1.7 million this year) which could either be redirected to other safety concerns or cut from the federal budget. It is inaccurate to conclude that pre-1974 speed limits would allow the CHP budget to be reduced by $88 million.

3. STATES GENERALLY HAVE ENFORCEMENT PERSONNEL ON THE ROAD FOR ENFORCEMENT OF TRAFFIC VIOLATIONS OTHER THAN THE SPEED LIMIT, ISN'T THAT CORRECT?

The vast majority of officers assigned to patrol duties provide a wide variety of enforcement, investigation and public service functions. It is the exception that an officer would be focusing on one specific violation such as driving under the influence (DUI) or exceeding 55 MPH. Even in these limited cases, an officer assigned to a DUI patrol would take an appropriate enforcement action for any observed violation of law, such as excessive speed.

While most officers providing patrol duties do not focus their enforcement on a single violation, the 55 speed limit does impact their deployment. All officers are assigned a specific beat and this assignment is based on the need to address clearly identified traffic safety or traffic management concerns. Given the high incidence of 55 violations, many more officers are assigned to roadways that may not have high accident rates, but do have high rates of noncompliance. If some of these resources could be redirected to the higher accident locations (the less safe roadways) 55 enforcement would decrease, however, overall traffic safety could benefit.

Deployment is not the only phase of enforcement impacted by the 55 speed limit. The amount of time each officer spends by the side of a road issuing a citation is time he or she is not available to provide other enforcement or public service functions. At 10 minutes per citation, the total is over 178,000 hours for the 1.1 million 55 citations issued in California last year.

4. SIGNS OF DRUNK DRIVING INCLUDE EITHER SPEEDING OR DRIVING TOO SLOW. THAT MEANS THAT IF YOU STOP A SPEEDER, YOU MIGHT ALSO BE STOPPING A DRUNK DRIVER, IS THAT RIGHT? HOW OFTEN DOES THIS HAPPEN, DO YOU KNOW?

Traffic law enforcement officers may randomly encounter intoxicated drivers while performing any of their assigned responsibilities. As suggested by the question, operators of vehicles stopped by officers for excessive speed are occasionally determined to be driving under the influence of alcohol (DUI). However, excessive speed by itself is not a reliable indicator of intoxication. The CHP estimates that less than one percent (approximately 0.6 percent) of those drivers stopped solely for exceeding the maximum speed limit are subsequently arrested for DUI.

This low correlation between speed and DUI violations is one basis for law enforcement's frustration with the National Maximum Speed Limit (NMSL). Officers assigned to DUI-oriented enforcement operations generally attempt to identify consistently erratic driving patterns, which often include several

violations. Officers involved with the apprehension and citation of NMSL violators are able to devote proportionately less time to the detection of the driving patterns that are associated with the more hazardous DUI driver. This is especially true when special speed enforcement programs are necessary to impact motorist speeds.

5. DO SPEEDS TEND TO INCREASE AT NIGHT, OR DECREASE?

There do not appear to be any readily identifiable, consistent speed trends for traffic at different sites by time of day. An examination of randomly selected traffic speed data indicates that average speeds (and NMSL noncompliance) increase on some roadways at night, but decrease on others.

One trend which is consistent for almost all roadway types is a decrease in traffic volume during nighttime hours. Interestingly, there does not appear to be a consistent relationship between speed and traffic volume when the hours of congestion are excluded. Traffic speed would appear to depend on variables in addition to time of day and volume, including roadway location, area demography, and traffic composition.

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8/6/85

MAXIMUM SPEED ARRESTS

IN CALIFORNIA

Year	Arrests (Thousands)	Licensed Drivers (Millions)	Vehicle Miles Travelled (Billions)
1970	650	11.6	117.2
1971	681	12.1	122.6
1972	568	12.4	126.7
1973	500	12.8	132.5
1974	1,052	13.2	127.2
1975	1,172	13.6	131.3
1976	1,082	14.0	142.2
1977	1,038	14.6	153.6
1978	1,049	15.0	165.1
1979	980	15.3	163.7
1980	987	15.7	160.4
1981	999	16.0	160.8
1982	1,005	16.3	170.0
1983	1,024	16.7	182.7
1984	1,076	17.0	196.0

COMMERCIAL VEHICLE *

MAXIMUM SPEED ARRESTS

1984 37 (3.4% of total maximum speed arrests)

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* Includes two axle trucks, three axle trucks, and truck tractors.

Mr. ANDERSON. The meeting stands adjourned.

[Whereupon, at 12:24 p.m., the committee adjourned to reconvene at the call of the Chair.]

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